

Cabinet

Tuesday 8 December 2020
11.00 am

Online/Virtual: This meeting will be livestreamed on Southwark Council's YouTube channel here: <https://www.youtube.com/user/southwarkcouncil>

Membership

Councillor Kieron Williams
Councillor Jasmine Ali

Councillor Evelyn Akoto
Councillor Stephanie Cryan
Councillor Helen Dennis
Councillor Leo Pollak
Councillor Alice Macdonald
Councillor Rebecca Lury
Councillor Catherine Rose
Councillor Johnson Situ

Portfolio

Leader of the Council
Deputy Leader and Cabinet Member for
Children, Young People and Schools
Public Health and Community Safety
Jobs, Culture and Skills
Social Support and Homelessness
Housing
Communities and Equalities
Finance and Resources
Leisure, Environment and Roads
Climate Emergency, Planning and
Transport

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Paula.thornton@southwark.gov.uk or virginia.wynn-jones@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Councillor Kieron Williams

Leader of the Council

Date: 30 November 2020



Cabinet

Tuesday 8 December 2020
11.00 am

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Order of Business

Item No.	Title	Page No.
	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	1 - 2
	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.	
5.	PUBLIC QUESTION TIME (15 MINUTES)	

Item No.	Title	Page No.
	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 2 December 2020.	
6.	MINUTES	3 - 22
	To approve as a correct record the minutes of the open section of the meeting held on 20 October 2020.	
7.	DEPUTATION REQUESTS	
	To consider any deputation requests. The deadline for the receipt of a deputation request is midnight Wednesday 2 December 2020.	
8.	SCHOOL STANDARDS YEARLY REPORT	23 - 47
	To note the Southwark school standards report 2019-20.	
9.	THE COUNCIL TAX BASE FOR 2021-22	To follow
	To approve the schedule of discounts and exemptions and agree the council tax base for 2021-22.	To follow
10.	POLICY AND RESOURCES STRATEGY 2021-22 TO 2023-24 UPDATE	
	To note issues associated with the policy and resources strategy and agree recommendations.	
11.	HOUSING REVENUE ACCOUNT - INDICATIVE RENT SETTING AND BUDGET REPORT 2021-22	48 - 67
	To note issues associated with the housing revenue account.	
	To instruct officers to provide a final report to cabinet in January 2021 on rent setting after consultation with residents.	
12.	OLD KENT ROAD AREA ACTION PLAN: DECEMBER 2020 DRAFT	68 - 82
	To agree the Old Kent Road Area Action Plan: December 2020 Draft for consultation.	

Item No.	Title	Page No.
13.	COMMUNITY INVESTMENT PLANS - ALLOCATION OF LOCAL CIL SOUTHWARK	83 - 131
	To approve the Community Investment Plans for Borough and Bankside, Chaucer, London Bridge and West Bermondsey, North Bermondsey, North Walworth, Nunhead and Queen's Road, Peckham Rye, Rotherhithe, St George's, and Surrey Quays.	
14.	STRATEGIC REVIEW OF YOUTH SERVICES 2020	132 - 154
	To agree the new vision and set of objectives for the youth service.	
15.	GATEWAY 2 - CONTRACT AWARD APPROVAL FOR SOUTHWARK HIGHWAYS PROFESSIONAL SERVICES CONTRACTS	155 - 173
	To approve the award of the Southwark Highways Professional Services Contracts in three lots commencing on 1 April 2021 for an initial duration of five years.	
16.	DRAFT HOUSING ALLOCATIONS SCHEME FOR CONSULTATION	174 - 190
	To agree to conduct a comprehensive consultation exercise relating to the housing allocations scheme and report back in the Spring of 2021 on the outcomes of this consultation exercise.	
17.	SOUTHWARK HOUSING STRATEGY 2020	191 - 204
	To agree the Southwark Housing Strategy 2020.	
18.	ACQUISITION OF 13 S106 RESIDENTIAL UNITS ON CRIMSCOTT STREET SE1	205 - 214
	To agree to delegate to the director of regeneration and the strategic director of housing and modernisation in consultation with the strategic director of governance and governance, authority to continue to negotiate the terms of the acquisition of the long leasehold interest in the property.	
19.	REVIEW OF VOID DISPOSAL STRATEGY	215 - 225
	To agree to revise the criteria for disposals in the void disposal strategy from those agreed by cabinet in July 2014.	

Item No.	Title	Page No.
20.	RESPONSE TO THE HOUSING SCRUTINY COMMISSION REPORT ON HOUSING REPAIRS	To follow
	To note the response to recommendations within the housing scrutiny commission's report into the housing repairs service.	
21.	CORPORATE CUSTOMER ACCESS STRATEGY 2020-24	To follow
	To note and endorse the corporate customer access strategy.	
22.	RESPONSE TO THE EDUCATION, BUSINESS SCRUTINY COMMISSION REPORT ON PROCUREMENT: ACCESSIBILITY AND SOCIAL VALUE	226 - 233
	To note the responses to the education and business scrutiny commission's report on procurement: accessibility and social value dated July 2020 and the request for additional resources to take forward work on making procurement opportunities more accessible to local businesses and community organisations is to be made as part of the council's 2021-22 budget setting process.	
23.	ANNUAL WORKFORCE REPORT 2019-20	234 - 249
	To note the workforce report 2019-20.	
24.	APPROPRIATION OF LAND: AYLESBURY FIRST DEVELOPMENT SITE (FDS) AND PLOT 18	250 - 265
	To note the current in relation to the delivery of the First Development Site (FDS) (Phase 1b/1c in the Aylesbury Area Action Plan (AAP)) of the Aylesbury regeneration programme and delivery of Cabinet delivery of Plot 18 (Site 10 in the AAP) of the Aylesbury regeneration programme.	
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	
25.	APPROPRIATION OF LAND: 345 SOUTHWARK PARK ROAD	266 - 278
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	

Item No.	Title	Page No.
26.	APPROPRIATION OF LAND: GARAGE COMPOUND AT FENDALL STREET BERMONDSEY	279 - 290
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	
27.	APPROPRIATION OF LAND: CAR PARK AT HEATON ROAD/ CLAUDE ROAD, PECKHAM	291 - 302
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	
28.	APPROPRIATION OF LAND: GARAGE COMPOUND MATBY STREET, GRANGE WALK, BERMONDSEY	303 - 314
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	
29.	APPROPRIATION OF LAND: TISSINGTON COURT, ROTHERHITHE NEW ROAD	315 - 326
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	
30.	APPROPRIATION OF LAND: GARAGES AT FENHAM AND NUTCROFT ROADS	327 - 338
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	

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

31. MINUTES

To approve as a correct record the closed minutes of the meeting held on 20 October 2020.

32. GATEWAY 2 - CONTRACT AWARD APPROVAL FOR SOUTHWARK HIGHWAYS PROFESSIONAL SERVICES CONTRACTS

33. ACQUISITION OF 13 S106 RESIDENTIAL UNITS ON CRIMSCOTT STREET SE1

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

Date: 30 November 2020



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

Cabinet 8 December 2020

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

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

This notice issued in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 is to confirm that the cabinet meeting to be held on 8 December 2020 at 11.00am online/virtual meeting will be held partly in closed session for consideration of the following items listed on the agenda:

Item 33: Acquisition of 13 S106 residential units on Crimscott Street, SE1

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

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

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

Paula Thornton
For Proper Constitutional Officer

Dated: 30 November 2020

**NOTIFICATION OF CLOSED BUSINESS FOR URGENT CONSIDERATION
BY AN EXECUTIVE DECISION MAKING BODY**

The required 28 days notice relating to a decision likely to be considered in closed session has not been given on the forward plan in respect of the decision detailed in this document. The matter is considered to be urgent and cannot be reasonably deferred for a further 28 days to enable the required notice to be given. Details of the issue are set out below.

Note: This notice applies to meetings of the cabinet, cabinet committee or community councils considering an executive function.

DECISION MAKER

Name of decision maker: Cabinet

Date of meeting: 8 December 2020

LEAD OFFICER DETAILS

Name and contact details: Caroline Bruce, Strategic Director of Environment and Leisure or email: caroline.bruce@southwark.gov.uk

DETAILS OF THE REPORT

Title and brief description of the nature of the business to be considered:

Gateway 2 – Contract Award Approval for Southwark Highways Professional Services Contracts

To approve the award of the Southwark Highways Professional Services Contracts in three lots commencing on 1 April 2021 for an initial duration of five years.

What is the potential cost to the council if the decision is delayed?

The value of the contracts is around £145,000 per month.

How long has the department known the decision required a closed report?

The forward plan identified a need to consider the open report, but did not identify the need for consideration of the closed report as well. This was highlighted on 19 November 2020.

Virginia Wynn-Jones
For Proper Constitutional Officer
Dated: 30 November 2020



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 20 October 2020 at 4.00 pm. Online /virtual meeting.

PRESENT: Councillor Kieron Williams (Chair)
 Councillor Jasmine Ali
 Councillor Evelyn Akoto
 Councillor Stephanie Cryan
 Councillor Helen Dennis
 Councillor Alice Macdonald
 Councillor Rebecca Lury
 Councillor Leo Pollak
 Councillor Catherine Rose
 Councillor Johnson Situ

ANNOUNCEMENT - START TIME OF CABINET MEETINGS

The Leader confirmed that the start time for cabinet meetings from December will be changed to 11am, which will be reviewed in April 2021.

1. APOLOGIES

All members were present.

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 12: 760 Old Kent Road, SE15 1NJ - Strategic Investment / Site Acquisition (and closed item 28)
- Item 13: Policy and Resources Strategy: Revenue Monitoring Report,

- including Treasury Management 2020-21 (Month 5)
- Item 14: Policy and Resources Strategy: Capital Monitoring Report, including Capital Programme Update 2020-21
- Item 16a: Leisure Management Contract - Management options from April 2021 (Pre-decision scrutiny) - Recommendations of Overview and Scrutiny Committee.

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

Councillor Stephanie Cryan declared a disclosable pecuniary interest in Item 23: Report from the Housing Scrutiny Commission: Housing Associations as a leaseholder.

5. PUBLIC QUESTION TIME (15 MINUTES)

None were received.

6. MINUTES

RESOLVED:

That the minutes of the closed meeting held on 8 September 2020 be approved as a correct record and signed by the chair.

7. DEPUTATION REQUESTS

The report had not been circulated five clear days in advance of the meeting. The chair agreed to accept this item as urgent (the requests had been received in line with the council's constitutional deadline for the receipt of deputation requests).

RESOLVED:

1. That the following deputation requests be heard.

Dulwich Village/College Road and Woodyard residents associations

The spokesperson addressed cabinet to advise that they agreed with the goal of reducing peak time through traffic and encouraging safer walking and cycling, but felt that the proposals were disproportionate and unfair. It was felt that the various measures could be adapted so as to achieve Southwark's and the groups goals in a fair, balanced and equitable manner, and one which could attract widespread support.

The deputation outlined to cabinet the impact of the current actions and proposals for residents and businesses in the area.

Clean Air for Dulwich

Representatives from the community within the streets covered by the Streetspace measures in Dulwich Village and East Dulwich addressed cabinet responding to the public petition regarding the removal of these measures. Whilst they understood that there were a range of views they outlined to cabinet the positive impact of the measures for residents, businesses and local schools, as well as a request that the consultation process for the measures be followed to ensure that the impact of the trials could be fully understood before any amendments were made.

The deputation outlined a number of concerns relating to road danger, healthy streets, accessible neighbourhoods and safety for children. It was felt that these measures were not focused on reducing pollution and improving road safety

Cabinet Member / Deputy Cabinet Member response to road closures representations

Councillor Catherine Rose responded to the road closure petition/deputations by thanking all for their contributions. She acknowledged that the implementation was carried out under extraordinary circumstances and the consultative processes carried out under emergency powers in response to COVID-19.

Councillor Catherine Rose outlined measures to develop comprehensive and inclusive consultation, with the commitment to respond to feedback in a transparent manner.

Councillor Radha Burgess outlined the delivery of this process with three key main objectives:

1. Reduction of air pollution of vehicles
2. All leading active and healthy lives and
3. Reinvigorate the communities and high streets.

Southwark Group of Tenant Organisation (SGTO) (Item 17 on the agenda: Government’s Consultation on the Planning White Paper’s “Planning for The Future.”)

The deputation spokesperson addressed cabinet to outline their concern about the lack of reference in the Planning White Paper to social housing and the proposal to implement S106 and community infrastructure levy charges at the point of occupation. The need to work with tenants including those who were digitally excluded was emphasised.

Southwark Planning Network / Southwark Law Centre (Item 17 on the agenda: Government’s Consultation on the Planning for the Future.”)

The spokesperson explained the current operation of the network and the links and effective work undertaken with other local groups in the area. Whilst it was considered that there was scope for improvement in the current planning process, there was concern about the decreased opportunity for this to take place and would support the council’s letter to Government on this White Paper.

Additionally, the spokesperson from the Southwark Law Centre reaffirmed the importance of meaningful consultation and concern if this was reduced.

Cabinet Member response on deputations on Planning White Paper

Councillor Johnson Situ confirmed that the biggest concern arising out of this Planning White paper was the removal of the opportunity to have discussions in the first place, and was in agreement to the representations made by the deputations, confirming the council’s intention to continue to work with groups to challenge Government on these proposals. The deputations confirmed their intention to continue to work with the council in this regard.

8. PETITION - ROAD CLOSURES IN DULWICH

RESOLVED:

That the petition from local residents relating to a request to reverse road closures in Dulwich be received.

Cabinet heard a video presentation from the spokesperson of the petition which highlighted a number of issues related to the road closures including:

- Gridlocked roads
- Impact on Melbourne Grove and Grove Vale businesses
- Congestion and emergency vehicles and buses getting stuck in traffic
- Ramifications for vulnerable members of the community
- Burden on local roads
- Disruption to deliveries

- Roads unsafe for all.

It was argued that the concentration of all vehicles to a few roads would cause more congestion and often gridlock. This in turn caused vehicles to idle for long periods resulting in a greater level of air pollution. The scheme it was suggested was not working and should be reversed immediately.

9. SOUTHWARK STANDS TOGETHER ROADMAP

RESOLVED:

1. That the commitment to deliver Southwark Stands Together as a long term programme of positive action, education and initiatives to tackle racism, injustice and inequality be incorporated into the refreshed Council Plan be agreed; with priority measures and milestones developed and embedded into the council's performance management framework.
2. That a new commitment to work to ensure the top of the council's workforce is representative of the ethnic diversity of the local working age population by 2030 be agreed; and that work be undertaken, in consultation with staff, unions and the local community, to put in place the actions to achieve this ambition as well as short and long term success measures.
3. That it be agreed that the following principles should be incorporated into the council's values that inform all the work we do across the council, with their final wording to be set out in the refreshed Council Plan; that we will:
 - a. Always work to make Southwark more equal and just
 - b. Stand against all forms of discrimination and racism.
4. That the five Southwark Stands Together Pledges that the council is asking businesses, organisations, groups and residents to sign up to be reaffirmed and it be agreed to publicise and communicate these further using a cross sector approach.
5. That it be noted that future stages of engagement will involve connecting better, building relationships and working collaboratively and inclusively with residents, businesses and the wider community across the borough.
6. That it be noted that the resourcing implications from the programme will be assessed and continuously reviewed through the council's policy and resources strategy process.
7. That it be noted that an annual report on programme progress will be presented to cabinet in July 2021.

10. SOUTHWARK COMMUNITY SUPPORT ALLIANCE UPDATE

RESOLVED:

1. That the implementation and timescales of the 16 recommendations for the revised community hub model / Southwark Community Support Alliance that are required as the first steps to addressing the short-term (by March 2021) and the long-term (by March 2022) needs of the community hub be agreed.
2. That it be noted that cabinet on 8 September 2020 instructed officers to test new ways of providing housing, employment, skills, money, social care and immigration support in local communities - including testing how support from established public & voluntary and community sector (VCS) providers can be made accessible in partnership with local community 'anchor' organisations rooted in each part of the borough.
3. That it be noted that this work will be overseen by an implementation review group made up of representatives across the voluntary and community sector, council and health partners and that membership will be agreed in consultation with the cabinet member for social support & homelessness.

11. SOUTHWARK HOUSING STRATEGY

This item is now scheduled to be considered at the December meeting of cabinet.

12. 760 OLD KENT ROAD, SE15 1NJ - STRATEGIC INVESTMENT / SITE ACQUISITION

It was not possible to circulate this report five clear days in advance of the meeting. The chair agreed to accept this item as urgent because if the council did not meet these timescales then it was likely the ability to complete this acquisition would be lost and the council would lose out on the opportunity to acquire a site providing substantial additional income and growth to support the delivery of council services and the prospect over the longer term to deliver new council homes on the site.

RESOLVED:

1. That pursuant to s227 of the Town and Country Planning Act 1990, that the council be authorised to acquire the freehold interest in the property shown edged black on the plan at Appendix A of the report.
2. That the principal purchase terms set out in full in paragraph 16 of the closed version of the report and substantially in paragraph 19 of the open report be authorised.
3. That authority be delegated to the director of regeneration to agree the

detailed terms of the acquisition.

13. POLICY AND RESOURCES STRATEGY: REVENUE MONITORING REPORT, INCLUDING TREASURY MANAGEMENT 2020-21 (MONTH 5)

It was not possible to circulate this report five clear days in advance of the meeting. The chair agreed to accept this item as urgent because the council regularly updates cabinet on the revenue monitoring position. This was vitally important in the current circumstances of the Covid-19 pandemic, and its financial impact on the councils overall financial position.

RESOLVED:

1. That the General Fund forecast outturn position for 2020-21 (Table 1 of the report) be noted.
2. That the Covid-19 emergency funding support received to date paragraphs 23 – 27 of the report) be noted.
3. The Governments Covid-19 sales, fees and charges compensation scheme (paragraph 24 of the report), and that the scheme only part funds the actual losses incurred be noted.
4. That the difference of £12.897m between the additional costs and lost income forecast in the report and the funding provided the government to date (Table 2 of the report) be noted.
5. That it be noted that the funding shortfall does not include the costs of Covid-19 support for residents, businesses and communities already funded from reserves of £4.0m (paragraph 22 of the report),
6. That the forecast losses on the Collection Fund, currently estimated at £16m, will be a charge to future years budgets (paragraph 22 of the report) be noted.
7. That the other key adverse variations and budget pressures underlying the forecast outturn position be noted, notably:
 - Dedicated School Grants (DSG) High Needs in year pressure of £3.2m and accumulated deficit of £21.7m (paragraph 44 – 48 of the report)
 - Emergency tree recovery plan £1.8m.
8. That the housing revenue account (HRA) forecast outturn position for 2020-21 (Table 3, paragraphs 78-90 of the report) be noted.
9. That it be noted that there is currently no compensation for the HRA for additional costs or lost income arising from the pandemic.

10. That the treasury management activity to date in 2020-21 (paragraphs 91-98 of the report) be noted.
11. That the interdepartmental General Fund budget movements that are less than £250k as shown in Appendix A of the report be noted.

14. POLICY AND RESOURCES STRATEGY: CAPITAL MONITORING REPORT, INCLUDING CAPITAL PROGRAMME UPDATE 2020-21

It was not possible to circulate this report five clear days in advance of the meeting. The chair agreed to accept this item as urgent the council regularly updates cabinet on the capital monitoring position. This was vitally important in the current circumstances of the Covid-19 pandemic, and its financial impact on the councils overall financial position.

RESOLVED:

1. That the forecast outturn and resources for 2020-21 and future years for both the general fund and housing investment programmes as detailed in Appendices A, B and D of the report be noted.
2. That the virements and variations to the general fund and housing investment capital programme as detailed in Appendix C of the report be approved.
3. That the inclusion in the programme of the capital bids set out in Appendix E of the report be approved.
4. That the significant funding requirement of £379m which needs to be identified for the general fund programme to be fully delivered over the remaining term of the programme, as detailed in Appendix A of the report be noted.
5. That the significant funding requirement of £98m which needs to be identified for the housing investment programme to be fully delivered over the remaining term of the programme, as detailed in Appendix B of the report be noted.

15. RECOMMENDATION TO STOP AND CLOSE QUEENS ROAD 4

RESOLVED:

1. That the decision to formally stop and close the Queens Road 4 (QR4) programme (including terminating construction contracts) be taken, following the impact of COVID-19 on the way in which services are delivered moving forward, and taking into account the considerable financial challenges

forecast over the coming months.

2. That officers in regeneration and new homes, in consultation with the cabinet member for housing, appoint an architect, from the Southwark Architects Framework, to undertake a feasibility to explore the potential use of the site at 128-148 Asylum Road (QR4) as a housing redevelopment opportunity.
3. That the need to find alternative service delivery accommodation solutions for staff based in Talfourd Place (28 staff), Curlew House (90 staff), Sumner House (182 staff) and Bournemouth Road (95 staff) be noted.
4. That it be noted that this recommendation includes the termination of the pre-construction services agreement (PCSA) contract, leading to the need, if required, to reappoint contractors later, including potential redesign. The costs, timeline and scope would need to be picked up as a new programme with revised governance in place.
5. That it be noted this recommendation may impact the council's ability to release the current candidate sites for redevelopment into new homes, impacting on Southwark's new homes target, as outlined in Table 1 of the report.
6. That it be noted that the Pelican Estate redevelopment scheme cannot be delivered without the release of both Curlew House and Talfourd Place with these buildings intrinsically linked.
7. That it be noted that this recommendation may negatively impact the council's commitment to be net carbon neutral by 2030, by not disposing of inefficient old buildings and redeveloping these sites to be environmentally sustainable.
8. That it be noted that officers have started on the path towards developing a new staff accommodation strategy, developing new ways of working and establishing a clear vision for a future operating model moving forward.

16. LEISURE MANAGEMENT CONTRACT OPTIONS FROM APRIL 2021

Cabinet considered the overview and scrutiny committee report in conjunction with this item.

RESOLVED:

1. That the findings of the evaluation of the two options available to the council for the management of the leisure centres from 1 April 2021, which is the end date for the current COVID-19 financial support agreement be noted. The evaluation indicates that, subject to the details and an agreement on any proposed variation in the contract it is likely to be advantageous for the council to continue in contract with the council's leisure management

contractor, subject to affordability, Sports and Leisure Management Ltd (SLM) whilst the future of the leisure offering is decided upon.

2. That it be noted that the continuation of the contract with SLM is likely to require negotiation and a contract variation and delegates approval of the detail of the contract variation to the strategic director of environment and leisure, in consultation with the strategic director of finance and governance, the cabinet member for leisure, environment and roads and the cabinet member for finance & resources.
3. That it be noted that these negotiations will consider the impact on employees of SLM and the council will ensure appropriate consultation with recognised trade unions takes place in relation to this and in the consideration of any future options.
4. That the council's continued policy commitment to free swim and gym scheme be noted but recognises the need to review the scheme to ensure that it best meets the needs of residents post COVID. There is also a need to review the leisure asset base in terms of sustainability and fitness for purpose. Findings from this evaluation will factor into negotiations and future options for the service; the detailed proposals for any service changes will be the subject of a report to the lead cabinet member later this year, and before the submission of a gateway 3 report in connection with the contract variation referred to in recommendation 2 above.
5. That a Gateway 0 (full options review) be brought forward for cabinet review in or before March 2021, which will set out the preferred option for delivery of leisure centre management following the end of the contract with SLM; the contract period will expire in June 2023 unless it is terminated early.

16A. LEISURE MANAGEMENT CONTRACT - MANAGEMENT OPTIONS FROM APRIL 2021 (PRE-DECISION SCRUTINY) - RECOMMENDATIONS OF OVERVIEW AND SCRUTINY COMMITTEE

Councillor Ian Wingfield, chair of overview and scrutiny committee presented the report and recommendations to cabinet.

RESOLVED:

1. That, the long timescales involved in continuing the contract with the current provider post April 2021 until its expiry in 2023 be considered again by cabinet, and makes it clear that arrangements for leisure provision may well change in advance of that date, including the preferred option of in-house provision.
2. That clear a commitment to the continued offer of free swim and gym be made and that cabinet states that this is not a negotiable element in

discussions with the current contractor.

3. That cabinet carries out another evaluation of this contract in April 2021, as we run the risk of just funding the current service until 2023 without getting value for money for the council and our residents.

17. GOVERNMENT'S CONSULTATION ON THE PLANNING WHITE PAPER "PLANNING FOR THE FUTURE"

RESOLVED:

That the response to the Planning White Paper be noted.

18. SOUTHWARK SKILLS STRATEGY - DELIVERY PLAN PROGRESS UPDATE

RESOLVED:

1. That the progress made in delivering the Skills Strategy since June 2019 be noted.
2. That the impact of COVID-19 on the delivery of the Skills Strategy and the need to align with Southwark's Economic Renewal Plan be noted.

19. PUPIL PLACE PLANNING REPORT

RESOLVED:

1. That the updated forecasts of primary and secondary school places from 2020-2021 onwards set out in paragraphs 39 to 44 (primary) and paragraph 49 (secondary) of the report be noted.
2. That the existing supply of primary and secondary places across the council area, and the actions to monitor supply and demand be noted.
3. That a review of place planning areas to support primary and secondary school place planning which is underway as set out in paragraphs 7 to 10 of the report be noted.

20. REPORT FROM THE EDUCATION AND BUSINESS SCRUTINY COMMISSION: EXCLUSIONS AND ALTERNATIVE PROVISION (RESPONSE TO THE REPORT CONSIDERED AT JULY CABINET)

Councillor Peter Babudu, chair of the education and business scrutiny commission, was in attendance to give feedback in respect of the response.

RESOLVED:

1. That the education and children's services comments to the exclusions and alternative provision report from the education and business scrutiny commission be noted.
2. That the recommendations of the education and business scrutiny commission be agreed.

21. REPORT FROM ENVIRONMENT SCRUTINY COMMISSION: SECOND REVIEW OF THE CLIMATE EMERGENCY STRATEGY (RESPONSE TO THE REPORT CONSIDERED AT JULY CABINET)

Councillor Jason Ochere, chair of the environment scrutiny commission, was in attendance to give feedback in respect of the response. Councillor Ochere thanked Councillor Leanne Werner (the previous scrutiny chair) for all her hard work in respect of the original report.

RESOLVED:

1. That the recommendations made by the environment scrutiny commission be noted and the response set out in the report be agreed.
2. That officers act upon the response agreed by cabinet as part of the corporate strategy on tackling the Climate Emergency.

22. REPORT FROM ENVIRONMENT SCRUTINY COMMISSION: AIR QUALITY (RESPONSE TO THE REPORT CONSIDERED AT JULY CABINET)

Councillor Jason Ochere, chair of the environment scrutiny commission, was in attendance to give feedback in respect of the response. Councillor Ochere thanked Councillor Leanne Werner (the previous scrutiny chair) for all her hard work in respect of the original report.

RESOLVED:

That the response to environment scrutiny commission's report 'Air Quality' dated July 2020 for information be received.

23. REPORT FROM HOUSING SCRUTINY COMMISSION: HOUSING ASSOCIATIONS

Councillor Stephanie Cryan having declared a disclosable pecuniary interest in respect of this item (as a leaseholder) did not participate in the discussion or decision making for this item.

Councillor Gavin Edwards, chair of the housing scrutiny commission, was in attendance to give feedback in respect of the response.

RESOLVED:

Decisions of Cabinet

1. That it be agreed that the council sets out new criteria for reviewing the list of registered providers (RPs) for section 106 affordable housing based on the draft criteria set out in paragraph 12 of the report.
2. That as part of this criteria a new charter for registered providers (RPs) and affordable housing providers in Southwark is created that sets out the council's requirements for positive partnership work
3. That once the new set of criteria for inclusion on the list of registered providers (RPs) for Section 106 affordable housing is agreed, that a new list is created and from then on reviewed annually.
4. That training on Southwark Councillors' role as designated people within the Regulator of Social Housing's complaints process should be provided to Councillors, and that this role should be clarified in a letter to all housing associations operating in the borough.
5. That it be agreed that the council should review the process through which land is purchased in Southwark for affordable housing delivery to limit competition between the council and other registered providers (RPs) that can unnecessarily drive up land prices and reduce the amount of funding that can actually be invested into delivering social housing.

Decisions of the Leader of the Council

6. That authority for agreeing the final criteria for reviewing the list of registered providers (RPs) be delegated to the cabinet member for housing.
7. That authority be delegated to the cabinet member for housing to agree the charter for registered providers (RPs.)

24. REPORT FROM HOUSING SCRUTINY COMMISSION: DISTRICT HEATING AND HEAT NETWORKS

Councillor Gavin Edwards, chair of the housing scrutiny commission, presented the report to cabinet.

RESOLVED:

1. That the housing scrutiny commission report on district heating and heat

networks, Appendix A of the report be noted.

2. That the recommendations from the housing scrutiny commission be considered and that the cabinet member for housing reports back to cabinet within eight weeks.

25. GATEWAY 3 - CONTRACT VARIATION HEATING AND WATER CONTRACTS A&B

RESOLVED:

1. That the variation of contract A (north of the borough) heating and water contract to OCO Ltd to extend the term of the contract for a period of three years from 1 April 2021 at an estimated sum of £12.5m per annum making a total estimated extension value of £37.5m, and estimated contract value of £82.5m for eight years composed of actual and projected expenditure be approved.
2. That the variation of contract B (south of the borough) heating and water contract to Smith & Byford Ltd to extend the term of the contract for a period of three years from 1 April 2021 at an estimated sum of £8.2m per annum making a total estimated extension value of £24.6m, and a total estimated contract value of £59.3m for eight years composed of actual and projected expenditure be approved.

26. APPOINTMENTS TO OUTSIDE BODIES 2020-21

RESOLVED:

That the cabinet the appointments to the outside bodies listed in Appendix A of the report for the 2020-21 municipal year be agreed as follows:

Better Bankside Board

Councillor Stephanie Cryan

Blue Bermondsey Bid

Councillor Leanne Werner

Board of Southwark College Corporation

Councillor Stephanie Cryan

Browning Estate Management Association

Councillor Darren Merrill

Canada Water Consultative Forum

Councillor Johnson Situ
Councillor Kath Whittam
Councillor Jane Salmon

Central London Forward

Councillor Kieron Williams

Centre for Literacy in Primary Education

Councillor Jasmine Ali

Creation Trust

Councillor Leo Pollak
Councillor Jack Buck
Councillor Lorraine Lauder

Cross River Board

Councillor Johnson Situ

Crystal Palace Community Development Trust

Councillor Catherine Rose

Newable Limited (formerly Greater London Enterprise)

Councillor Stephanie Cryan

Groundwork London, Local Authority Strategic Input Board

Councillor Catherine Rose

Guys and St. Thomas NHS Foundation (Council of Governors)

Councillor Evelyn Akoto

Kings College Hospital NHS (Council of Governors)

Councillor Dora Dixon-Fyle

London Road Safety Council (LRSC)

Councillor Catherine Rose
Councillor Radha Burgess

London Youth Games Limited

Councillor Catherine Rose
Councillor Jasmine Ali (deputy)

Millwall for All

Councillor Sunny Lambe

North Southwark Environment Trust

Councillor Kath Whittam

Old Vic Board of Trustees

Councillor Rebecca Lury

Potters Fields Park Management Trust

Councillor Catherine Rose
Caroline Bruce

Plastic Free East Dulwich

Councillor Charlie Smith

Plastic Free Peckham

Councillor Cleo Soanes

Shared ICT Services Joint Committee

Councillor Rebecca Lury
Councillor Alice Macdonald

South Bank Partnership

Councillor Stephanie Cryan
Councillor Victor Chamberlain
Councillor Adele Morris
Councillor David Noakes

South Bank Business Improvement District Ltd

Councillor Adele Morris
Councillor Stephanie Cryan

South Bermondsey Big Local Partnership Steering Group

Councillor Richard Livingstone
Councillor Sunny Lambe

South London Gallery Trustee Limited

Councillor Maria Linforth-Hall
Councillor Radha Burgess
Councillor Cleo Soanes

South London and Maudsley (SLaM) NHS Trust Members Council

Councillor Helen Dennis

Southwark Construction Skills Centre

Councillor Stephanie Cryan

Southwark and Lambeth Archaeological Excavation Committee (SLAEC)

Councillor Leanne Werner
Mr. Bob Skelly (Deputy)

Safer Neighbourhood Board (Southwark)

Councillor Evelyn Akoto

WeAreWaterloo BID

Councillor Graham Neale

27. NOMINATIONS TO PANELS, BOARDS AND FORUMS 2020-21

RESOLVED:

1. That the allocation of places to the panels, boards and forums set out in Appendix A of the report for the 2020-21 municipal year and member nominations be agreed as follows:

Joint Partnership Panel (Trade-union consultation)

Councillor Kieron Williams
Councillor Rebecca Lury

Homeowners Service Charge Arbitration Panel

Councillor Charlie Smith
Councillor Lorraine Lauder
Councillor Renata Hamvas
Councillor Sunny Lambe
Councillor Sandra Rhule
Councillor Margy Newens
Councillor Kath Whittam
Councillor Dora Dixon-Fyle
Councillor Maria Linforth-Hall
Councillor Jane Salmon
Councillor Eliza Mann
Councillor Anood Al-Samerai

Tenancy and Leasehold Arbitration Tribunals

Councillor Charlie Smith
Councillor Lorraine Lauder
Councillor Renata Hamvas
Councillor Sunny Lambe
Councillor Sandra Rhule
Councillor Margy Newens
Councillor Kath Whittam
Councillor Dora Dixon-Fyle
Councillor Maria Linforth-Hall
Councillor Jane Salmon
Councillor Eliza Mann
Councillor Anood Al-Samerai
Councillor William Hougbo

Southwark Safeguarding Adults Board

Councillor Helen Dennis
Councillor Evelyn Akoto

Southwark Safeguarding Children's Board

Councillor Jasmine Ali
Councillor Evelyn Akoto

(*Cabinet requested that Councillor Evelyn Akoto also be invited to meetings of the board)

Standing Advisory Council on Religious Education

Councillor Graham Neale
Councillor Richard Leeming
Councillor Maggie Browning

Southwark Tenant Management Organisation Committee

Councillor Leo Pollak
Councillor Gavin Edwards
Councillor Darren Merrill
Councillor William Hougbo

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.

28. 760 OLD KENT ROAD, SE15 1NJ - STRATEGIC INVESTMENT / SITE ACQUISITION

The cabinet considered the closed information relating to this item. Please see item 12 for the decision.

The meeting ended at 6.18pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 28 OCTOBER 2020.

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

Item No. 8.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		School Standards Yearly Report	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Jasmine Ali Deputy Leader & Cabinet Lead for Children, Young People & Schools	

FOREWORD - COUNCILLOR JASMINE ALI, DEPUTY LEADER & CABINET LEAD FOR CHILDREN, YOUNG PEOPLE & SCHOOLS

The annual school standards report marks an important part of the council calendar.

Each year the school standards report has shown an improvement in school standards as we move at pace to our goal of 100% of outstanding school in Southwark. Last year I reported that we were at 94% good or outstanding schools with structured programmes between the council and those schools that were working towards improvement.

This year the report is focused on how schools have managed in the current global pandemic. So it is less about formal assessment and exams and more about wellbeing.

Since March 2020 the schools have been the fourth emergency service – remaining open throughout the pandemic for the children of NHS, care workers and vulnerable children with social workers.

At the same time the schools have had to put up with the Government's chaotic plans, shambolic test and trace programmes and of course the exams fiasco. Throughout all of this our schools have stayed vigilant about practice and keeping our schools safe.

So this year's report is an opportunity for the council to give our schools a huge vote of thanks for their work. And to thank our own children's services: -early help and education and public health - for their work supporting schools and our most vulnerable families.

The attached report also refers to the education component of Southwark Stands Together, the Council's inspired response to the Black Lives Matter movement.

Cllr Cleo Soanes and I led a listening exercise with many groups of children and young people including those with care experience, school pupils and Southwark scholars.

The pledges are attached and show our practical support for Black, Asian and Minority Ethnic pupils in Southwark combined with a programme for putting pressure on the Government to change the curriculum so that it can reflect the diversity of our children and young people in our borough.

This report reflects the collaborative work between our schools and the council, something referred to in our recent Ofsted evaluation. The regulatory body was overwhelmingly positive about our children's services response to the current pandemic and our relationship with schools. There is of course more work to do, but our response in the pandemic shows that we are moving in the right direction.

In September when the schools reopened the majority of pupils returned. The longer-term work of helping pupils catch up following the disruption of life in the time of COVID-19 has now begun. The council will continue to work with schools on closing attainment gaps for all our pupils, not least for those from disadvantaged backgrounds. We will work together to transform lives and make a difference.

RECOMMENDATIONS

1. That cabinet note the 'Best start in life - Southwark school standards report 2019/20' attached at Appendix 1.

BACKGROUND INFORMATION

2. Members requested a report on school standards in Southwark be produced that would set out information covering progress across the borough. The attached report at Appendix 1 contains information on educational achievement (where available) ranging from Early Years Foundation Stage (4/5 years old), through to A-levels and covers the local response to the pandemic. The report also contains data on post-16 not in education, employment or training (NEET) performance.

KEY ISSUES FOR CONSIDERATION

3. The key issues for consideration are included in the report at Appendix 1 - 'Best start in life – Southwark school standards report 2019/20.
4. The 2019/20 data contained within this report is provisional and unpublished.

Policy implications

5. These outline the council's continued commitment to supporting schools being good or outstanding, with children and young people

being helped to achieve their full potential.

6. The report at Appendix 1 is fully aligned to local planning and policy frameworks including the Council Plan 2018- 2022. These outline the council's continued commitment to and supporting schools to be good or outstanding, with children and young people able to achieve their full potential.

Community impact statement

7. The impact on communities of the issues and recommendation within the school standards report has been considered in line with Southwark's Approach to Equality. Generally the recommendations will have a positive impact on communities through the commitment to meeting the demand for primary and secondary school places and continuing to drive up standards across our schools.

Resource implications

8. The continued delivery of universal education services and statutory functions, including early years, school improvement, school admissions, specialist education and special educational needs services will continue to be provided via the existing education budgets both core and Dedicated Schools Grant (DSG). The latter of which is in a significant deficit position and is subject to a draft DSG budget recovery plan. Attainment and standards are also subject to individual schools budgets received via the DSG.

Legal implications

9. All legal implications are dealt with in the Director of Law and Democracy's concurrent below.

Financial implications

10. All financial implications are dealt with in the Strategic Director of Finance and Governance's concurrent below.

Consultation

11. No consultation was required.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

12. Not applicable.

Director of Law and Democracy

13. The purpose of this report is to provide an update to Cabinet on Southwark school standards in 2019/20.
14. The council is the relevant authority tasked with carrying out functions in relation to education and childcare in Southwark.
15. The council has a number of general duties in relation to the provision of education, including a duty to contribute towards the spiritual, moral, mental and physical development of the community, by securing that efficient primary, secondary and further education is available to meet the needs of the population of the area. Cabinet will note that the council itself maintains the majority of the schools discussed in the report; however, the council's ability to develop new school proposals is now significantly restricted, and legislation enables existing maintained schools to convert to academy status, which are outside of the council's ownership and control.
16. In respect of people aged under 20 (or over 20 if the council maintains an Education, Health and Care Plan for them), the council must also exercise its education and training functions with a view to promoting high standards, ensuring fair access to opportunities for education and training, and promoting the fulfilment of learning potential by every person to whom this duty applies.
17. More generally, in respect of the well-being of children, the council is under a duty to make arrangements to promote cooperation between the council and relevant partners to promote the well-being of children in the authority's area. The council is also under a duty to improve the well-being of young children and reduce inequalities between them. "Well-being" in this context relates to education and training, amongst other things.
18. As such, the preparation of a school standards report is something that can be said to be incidental to the council's functions in these areas.
19. Besides these more general duties, the council has a number of more specific functions in relation to education. Of particular relevance to the subject matter of the report are: the duty to exercise council functions with a view to promoting the effective participation by young people aged 16-18 in education or training; a duty to promote the educational achievement of children looked after by the council; a duty to make arrangements (so far as it is possible) to identify children in Southwark who are of compulsory school age but are not registered with a school and are not receiving suitable alternative education and take any necessary action as a result; and a responsibility for children and young people (up to 25 years old) in the authority's area who have been identified as having special educational needs.

20. When making its decision, section 149 Equality Act 2010 requires that Cabinet have due regard to the need to eliminate discrimination and other prohibited conduct and advance equality of opportunity and foster good relations between people who share a relevant protected characteristic and those who do not. Information about the consideration given to equalities issues is set out in the Community Impact Statement. There is also particular reference in the report to the “Southwark Stands Together” policy and how education standards can be taken into account in this context.

Strategic Director of Finance and Governance (CAS20/023)

21. The Strategic Director of Finance and Governance notes the recommendations in this report, which sets out information on school standards including school results in external assessments, admissions, the attainment of Looked After Children, and the attainment of children from different pupil groups in Southwark.
22. As noted in the report this is primarily a retrospective performance report. Future performance is vulnerable to the growing financial stress on school budgets. There are also general challenges in the budgets of individual settings given that cost pressures are increasing and that the funding system imposed by central government does not fully recognise this. Furthermore, there are some schools whose budgets are now at significant financial risk that will need to be considered going forward.
23. Also, given the strategy in the draft DSG budget recovery plan of block transfers from schools block to high needs block, this is a risk to attainment and standards that has already been highlighted by the Local Authority by the Strategic Director of Finance and Governance in his letter to Secretary of State.

Other officers

24. There were none.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
School inspections and outcomes	Ofsted website	Kevin Morris, Assistant Director, Learning and Achievement 07905 605 207
Web link: copy and paste into browser: https://www.gov.uk/government/statistical-data-sets/monthly-management-information-ofsteds-school-inspections-outcomes		

APPENDICES

No.	Title
Appendix 1	Best start in life- Southwark school standards report 2019-20

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Children, Schools and Adult Care	
Lead Officer	David Quirke-Thornton, Strategic Director for Children's and Adults' Services	
Report Author	Kevin Morris, Assistant Director for Learning and Achievement	
Version	Final	
Dated	26 November 2020	
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		26 November 2020



Best Start in Life

APPENDIX 1



Southwark School Standards Report
2019-20



Foreword

Best Start in Life

The annual school standards report marks an important part of the council calendar.

This is the eighth annual schools report and each year the school standards report has shown an improvement in school standards as we move at pace to our goal of 100% of outstanding school in Southwark. Last year I reported that we were at 94% good or outstanding schools with structured programmes between the council and those schools that were working towards improvement.

This year the report is focused on how schools have managed in the current global pandemic. So it is less about formal assessment and exams and more about wellbeing.

Since March 2020 the schools have been the fourth emergency service – remaining open throughout the pandemic for the children of NHS, care workers and vulnerable children with social workers.

At the same time schools have had to navigate the Government's chaotic plans, shambolic test and trace programmes and of course the exams fiasco. Throughout all of this our schools have stayed vigilant about practice and keeping our schools safe. All schools continued throughout to make provision for our children including those with SEND either in school or virtually. Special schools hubs stayed open during the first lockdown and provided education to the children of keyworkers whose children had complex needs. The majority of pupils with EHCPs returned to school in September and schools did all they could, with support from our SEND professionals, to transition children and young people back. The majority of our children and young people with SEND who were transferring to secondary school or FE made the transition well.

So this year's report is an opportunity for the council to give our schools a huge vote of thanks for their work. And to thank our own children's services: -early help and education and public health - for their work supporting schools and our most vulnerable families.

The attached report also refers to the education component of Southwark Stands Together, the Council's inspired response to the Black Lives Matter movement.

Cllr Cleo Soanes and I led a listening exercise with many groups of children and young people including those with care experience, school pupils and Southwark scholars.

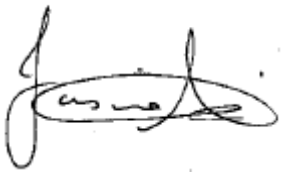
The pledges are attached and show our practical support for Black, Asian and Minority Ethnic pupils in Southwark combined with a programme for putting pressure on the Government to change the curriculum so that it can reflect the diversity of our children and young people in our borough.

The council has continued to work with schools following our £2m investment in mental health prevention in schools. In addition to this we were able to open a free online mental health service for children and young people in April 2020 in the middle of the first lockdown. In August this year we physically opened the doors to facilitate open access to the Nest located in Peckham – critical additions that demonstrate our commitment to supporting children and young people presenting with mental health needs, particularly during the current time

We continue to invest in provision, services and opportunities for those with special educational needs. The newly opened Spa Primary School got off to a good start in September and work on new provision at Charter and for Beormund Primary Special School is underway. Southwark officers have worked with two local authorities in producing an innovative on line training suite for professionals working with our SEND population so that we can better support our children and families.

This report reflects the collaborative work between our schools and the council, something referred to in our recent Ofsted evaluation. The regulatory body was overwhelmingly positive about our children's services response to the current pandemic and our relationship with schools. There is of course more work to do, but our response in the pandemic shows that we are moving in the right direction.

In September when the schools reopened the majority of pupils returned. The longer-term work of helping pupils catch up following the disruption of life in the time of COVID-19 has now begun. The council will continue to work with schools on identifying gaps in children's learning and development and gaps for all our pupils, not least for those from disadvantaged backgrounds. We will work together to transform lives and make a difference.

A handwritten signature in black ink, appearing to read 'Jasmine Ali', written in a cursive style.

Councillor Jasmine Ali
Deputy Leader and Cabinet Member for Children and Schools

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Setting the context

The Standards Report gives an annual picture of the published attainment of Southwark's pupils at all assessed stages of their education. From this information, the reader can see how Southwark's pupils (and by extension, schools) have performed against their peers at a London and national level.

The Standards Report, 2019-20, however, is different, and this is because of the disruption to schooling and assessments caused by the pandemic, Covid-19.

This year, the report provides information about our schools, and their performance (where data is available) up to the nationally imposed lockdown. It gives an overview of what our education settings were doing during the lockdown and how they continued to provide an education to our residents (and residents of other boroughs who attend our schools); and will only share confirmed

Southwark's schools

(published) and provisional assessment information where it is available.

At the start of the academic year, 2019-20, Southwark's state-funded schools, including the Pupil Referral Unit (PRU), served 43,759¹ Southwark pupils. According to the January 2020 School and Alternative Provision (AP) Census, 40% of our pupils were eligible for the pupil premium².

(Correct at end of academic year, 2019-20)

Phase	Total Number of schools	Number of community, foundation or voluntary-aided schools	Number Academies	of	Number of Free Schools
Nursery	5	5	0		0
Primary	74	59	9		6
Secondary	19	3	13		3
All-through	1	0	1		0
Special	7	5	2		0
Pupil Referral Unit	1 (places commissioned by the Local Authority)	0	0		0
Hospital Schools	2	0	0		0

Number and types of schools in Southwark, sourced from DfE website <https://get-information-schools.service.gov.uk/>

Community, Foundation and Voluntary- Aided Schools

The funding for these schools comes from central government, via the local authority. They are maintained by the local authority and follow the national curriculum.

Academies and Free Schools

These are state funded schools, which are not required by law to follow the national curriculum and are able to set their own term times. They are required to adhere to the same admissions regulations, special educational needs provisions, exclusions and safeguarding parameters as all schools. Academies and free schools receive funding directly from central government, not from the local authority.

The Harris Federation have four secondary and three primary schools (two of which are free schools) in Southwark. Ark have two secondary schools and one all through school. City of London have one secondary and two primary schools (one of which is a free school). Communitas Education Trust comprises three primary schools (one of which is a free school). Dulwich Hamlet Educational Trust have two primary schools (one of which is a free school); and The Charter School has one primary school and two secondary schools (one of which is a free school).

¹ Headcount sourced from DfE publication: - Schools, pupils and their characteristics: Academic Year 2019/20.

<https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics>

² Pupil premium figure sourced from DfE publication <https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2019-to-2020>

Executive Summary

The Standards Report 2019-20 is broken down into two sections. The first: the year up to lockdown, covers performance measured up to the end of February 2020. The second: Southwark Education's response to the pandemic, covers how schools and the education team continued to deliver during the lockdown period March- July 2020.

There is no published data on assessments or attainment available from this academic year at this time, either locally or nationally, for any of the key stages, Looked After Children or children with Special Educational Needs and/ or Disabilities.

Where we have given an indication of performance in relation to attainment, it is based on provisional, unvalidated and incomplete data, provided to us by schools. This data cannot reliably be used to draw performance conclusions and should only be treated as an indication of how pupils and schools have performed in general over this year.

Despite all the challenges presented to our schools, colleges and alternative settings this year, the data we have been able to collect shows a positive picture of performance in Southwark that is building on the foundations laid in previous years.

Section 1: The year up to lockdown (September 2019- February 2020)



1.1 Quality of Southwark Schools: Ofsted

Key Points

- At the end of the academic year 2019/20, 93.5% of LA maintained schools, academies and free schools in Southwark were judged by Ofsted to be good or better. This 16 percentage point increase since 2012 puts Southwark schools above London by one percentage point and seven percentage points above national.
- This is the best position for schools within the authority ever and shows that the vast majority of our pupils and students are receiving a good education on a daily basis.
- Over this same period, the Ofsted framework has changed on a number of occasions and expectations on schools have increased. Despite the additional challenge this has brought to schools, outcomes for pupils and students have improved to this level.
- Southwark ranked 20th out of 151 local authorities in England for having the highest percentage of schools judged to be good or better. This is an improvement from 27th in the previous year.

A summary of Ofsted judgements of Southwark schools, and their position against other inner London boroughs, is shown in the table below, with a full breakdown of the Ofsted rating for every school set out in Appendix 1.

Overall Ofsted Judgement as at end of August 2020

107 schools currently with an Ofsted Judgement (including Special Schools)	%
2 Schools in Special Measures (1 secondary academy; 1 primary academy)	2%
0 Schools in Serious Weaknesses	0%
5 Schools Require Improvement (5 maintained primary schools)	5%
65 Schools Judged Good	61%
35 Schools Judged Outstanding	33%
100 Schools Judged Good or Outstanding	93.5%

Out of the five schools deemed to Require Improvement, four were judged good for their early years' provision=

Improvement over time

Overall Judgements	Ofsted	2012	2013	2014	2015	2016	2017	2018	2019	2020
Special Schools judged either Good or Outstanding		77%	100%	100%	100%	100%	100%	100%	100%	100%
Primary / Infant & Nursery Schools judged either Good or Outstanding		72%	85%	85%	87%	91%	87%	87%	90%	92%
Secondary Schools judged either Good or Outstanding		87%	93%	93%	94%	94%	94%	94%	95%	95%
All Schools judged either Good or Outstanding		77%	88%	88%	89%	92%	89%	90%	93%	93.5%

Comparison with inner London local authorities (31st August, 2020)

Inner London LA (and number of schools)	% of schools judged good or better	Rank
Camden (61)	100.0%	1
City of London (1)	100.0%	1
Kensington and Chelsea (40)	100.0%	1
Haringey (86)	96.5%	4
Hammersmith and Fulham (60)	95.0%	5
Southwark (107)	93.5%	6
Lambeth (90)	93.3%	7
Tower Hamlets (102)	93.1%	8
Westminster (58)	93.1%	9
Wandsworth (85)	92.9%	10
Newham (98)	91.8%	11
Lewisham (85)	91.8%	12
Hackney (81)	91.4%	13
Islington (68)	91.2%	14

Section 2: Southwark Education's response to the pandemic (March- July 2020)



2.1 Schools that stayed open

All schools were open partially or wholly throughout the lockdown period for the care of vulnerable pupils and children of critical workers, many on bank holidays and during the half term and Easter holidays. From 1 June 2020, schools were asked to partially reopen for specific year groups, in the first instance, and with an expectation that learning recommence, although the requirement to cover the full curriculum remained suspended.

In response:

- All children and young people who required 'care', prior to June 1, were offered places in Southwark schools and early years settings;
- Although most schools remained open to offer places for vulnerable pupils and the children of critical workers, they went beyond the 'care' brief and retained a key focus on learning throughout;
- All schools adapted their provision to children not attending by offering online learning experiences in order to provide continuity of learning and also monitor children's well-being;
- Several schools delivered "live" lessons at times as staff were trained and IT hardware was made available to pupils;

- All schools monitored engagement with off-site learning and followed up on low level and inconsistent engagement by regular home contact and by referrals to external agencies where appropriate;
- Schools embraced the Black Lives Matter agenda and responded by reviewing their curriculum offers to ensure equality is fully addressed as a new term commences.

2.2 Support for schools

Southwark's response was immediate at the start of lockdown. Officers from Education and Family Early Help were in daily contact with all schools to support immediate provision, answer questions, broker support, encourage attendance and the monitoring of vulnerable and disadvantaged pupils. The Learning and Achievement team, in particular:

- emailed every school daily updates with key headline information and summaries of DfE guidance;
- joined up services, information and data within the local authority to ensure children and young people- particularly the most vulnerable- were safe, had access to food and financial support and had the opportunity to continue learning whilst at home, including digitally.

They played a pivotal part in the arranging of acquiring and distribution of laptops, getting the Free School Meals voucher schemes up and running, encouraging schools to submit daily attendance data returns to support the identification and analysis of safeguarding concerns and subsequent follow up safeguarding activities.

2.3 Key Stages 4 and 5: Public assessments and examinations

In late March 2020, following the outbreak of Covid-19, it was decided by central Government that all primary and secondary assessments, tests and exams for summer 2020 would be cancelled nationally.

For secondary school aged pupils who were due to sit GCSE and A-level exams in the summer, results would still be awarded but they would be derived by different means. Teachers in schools were asked to provide grades for their pupils, together with a class ranking, based on what it was believed the pupil would have achieved in the exams. The ranking of every pupil in every subject was challenging- most noticeably in large subject entries.

These two variables, combined with the school's historical performance, were used by Ofqual in their standardisation model to then determine the exam grades to be awarded to pupils nationally in the summer. In spite of concerns raised about this system, specifically, that pupils from disadvantaged backgrounds would be more likely to be penalised, central Government pressed ahead with using this process.

One week prior to A-level results being released in England on the 13th August, the initial results awarded for Scottish Highers derived from a similar grading system as that used in England were met with great protest. The Scottish Government subsequently did a U-turn and accepted the centre assessment grades (CAGs) provided by schools. In England, this option was not initially offered to its pupils. Instead on 11th August, central Government offered a triple lock solution where pupils were able to use a grade based on either the Ofqual algorithm derived grade, the

pupil's mock exam result, or the opportunity to actually take their exam in autumn. The pupil would be allowed to choose whichever grade was the higher one.

Almost one week later, after A-level results were released in England, where results for close to 40% of entries were downgraded, central Government finally did a U-turn: accepting that A-level as well as GCSE results for summer 2020 would now be based on CAGS or the algorithm derived result (depending which of the two was higher).

This Autumn term, schools and colleges have been able to offer both GCSE and A-level exams in all subjects should pupils decide that they would like the opportunity to take an exam and the candidates will then be allowed to choose either the previously awarded grade or the result of the exam, whichever is higher.

It is important to stress that given the context above, there will be no national secondary comparative data beyond broad raw headlines, no primary data at all and no performance tables. The phonics screening and mental arithmetic test will now take place during the Autumn term of 2020.

The Government intends to resume all public assessments and exams for 2021 but no details at this stage are available on how this will be managed in a Covid-19 context.

Southwark LA KS4 & KS5 Performance

	2019	2020 *
GCSE		
% attaining standard (9-4) pass in English & maths	66.3%	77.4%
% attaining strong (9-5) pass in English & maths	45.5%	55.3%
A Level		
% of entries awarded A*-B	51.1%	72.2%
% of entries awarded A*-C	77.1%	92.5%
% of entries awarded A*-E	97.8%	99.8%

*Provisional and based on CAGs sourced data returned by mainstream schools, where they were willing to share.

2.4 Implications of Covid on Education Provision

It is clear that there will be significant implications on education provision, as well as on the futures of our children and young people, across all phases, caused by the disruptions of both the national lockdown and the uncertainty around the full return to school and college. We are also aware that employability will be a key challenge for our young people moving into the current and future labour market.

As a directorate, Southwark's education team are focused on the challenges ahead, which include:

- Supporting online learning and digital access to all children and young people who need it;
- Supporting the identification and closing of gaps in learning;
- Supporting the mental health and wellbeing of all children and young people who require it;

- Supporting the mental health and wellbeing of our staff in education settings;
- Identifying and supporting those pupils who are disadvantaged in order to ensure they have the tools they need to succeed;
- Supporting schools to organize themselves practically around new guidance and requirements (bubbles, test and trace, partial closures, etc.).

2.4.1 Southwark Stands Together

Southwark Stands Together is the Southwark response to the Black Lives Matter movement and the disproportionate impact the pandemic has had on residents with Black and Minority Ethnic heritage.

The majority of our pupils identify as being from a BAME or mixed background, so it is particularly relevant to ensure that the education recommendations consider their needs.

Ethnicity	% in Southwark Schools
Bangladeshi	2.3
Indian	0.6
Pakistani	0.7
Any Other Asian Background	1.7
Black African	27.3
Black Caribbean	7.7
Any Other Black Background	5.3
Chinese	1.3
White and Black African	2.0
White and Black Caribbean	3.2
White and Asian	1.4
Any Other Mixed Background	5.7
White British	20.4
White Irish	0.5
Gypsy / Roma	0.0
Traveller of Irish Heritage	0.0
Any Other White Background	8.7
Any Other Ethnic Group	7.4
Unknown / Missing	3.8
Southwark schools	100.0

(source: January 2020 School Census)

Over the coming year, we will be taking forward the following recommendations, developed from the initial Southwark Stands Together listening exercises:

- To develop a “Southwark Standard” for teacher induction and development, including leadership development;

- To develop a suite of resources in partnership with schools and other institutions to support the teaching of Black History and integrate the learning about black history throughout the year;
- To lobby the DfE and Ofsted to make fundamental changes to the national curriculum in England;
- To work towards ending all school exclusions;
- To improve the experience of young people with respect to meaningful work experience.

2.5 Young people not in education, employment or training (NEET)

Southwark is required to track and support young people leaving school to secure, as far as possible, their journey into further education, training or employment. The performance in this area is measured by the number of young people aged 16 and 17 who are not in employment, education or training (NEET), or whose activity is not known.

Local authorities have a duty to ensure that every young person (16-17 years old) has an offer of education or training. This is called the “September Guarantee”.

The percentage of 16-17 year olds recorded as NEET / not known

Key Points

- The data is published annually and covers the average of the period December 2019 to February 2020. The percentage of young people confirmed as not in education, employment or training (NEET) in Southwark (2.4%, 130 children) was in line with national (2.7%). However, the number whose activity was unknown was high at 6.4%. Our combined NEET/not known figure of 8.8% was an improvement on 2018, but was higher than national and London rates.

One factor to consider when interpreting these figures is that a very high percentage (63%) of Southwark’s 16 and 17 year olds travel outside of the borough for education, the second highest rate in London. This adds to the challenge of monitoring our young people’s participation in education and training.

- Local data (March 2020) shows that 64% of 16 and 17 year olds who are NEET or have activity unknown in Southwark are male, compared with 36% female. 65% of 16 and 17 year olds who are NEET or have activity unknown are in year 13 compared with 35% in year 12. This appears to be due to young people dropping out of courses and to greater difficulty in tracking young people the longer they have been out of school (e.g. because they may have changed address without this being known to the LA).

The lower the NEET or not known figure, the better the performance.

	Southwark			London			National		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
% 16-17 year olds NEET	1.5%	1.4%	2.4%	1.8%	1.7%	1.8%	2.7%	2.6%	2.7%

% 16-17 year olds whose activity is not known	7.2%	8.5%	6.4%	3.2%	3.0%	2.3%	3.3%	2.9%	2.8%
Total	8.7%	9.9%	8.8%	5.0%	4.8%	4.2%	6.0%	5.5%	5.5%

(The 2019 data above are based on the December 2019 to February 2020 averages, published by Department for Education in June 2020.)

September Guarantee

Key Point

- In September 2019, 98.5% of Southwark 16 & 17 year olds had an offer of education or training. This is better than the national performance of 95%.

	Southwark			London			National		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
% 16-17 year olds made an offer of an education place under September Guarantee	97.8%	98.4%	98.5%	95.7%	95.1%	95.5%	94.7%	94.5%	95.0

September Guarantee data is collected annually between April and September and published on www.gov.uk in March the following year.

Priorities for Improvement

- Southwark has developed a new Post-16 service based on enhancing co-ordination between different services working with this age group, which we envisage will lead to an improvement in our data tracking.
- A key focus is on reducing the number of young people whose activity is unknown, through improving information sharing with schools, colleges and other services working with young people.

2.6 The Southwark Scholarship Scheme 2020

Each year Southwark Council opens applications to young people (under 25 years old) who have lived in the borough for a minimum of 3 years, to go to university without the worry of tuition fees.

Since the scheme began in 2011, Southwark Council has helped 111 people pursue higher education on the scholarship, which covers the full tuition fees for their chosen course. Our scholarship supports young people who have an excellent academic record of achievement, made a positive contribution to their local community and have a combined household income of less than £25,000.

Since graduating from university, our scholars have gone on to careers in Education, Engineering, Law, Medicine as well as other fields.

For the 2020-21 intakes, 12 students were awarded the scholarship as detailed below:

School	University	Course of Study
London Academy of Excellence	Imperial College London	MBBS Medicine
St Thomas the Apostle School Sixth Form	University of Kent	BSc Economics with a year in Industry
St Saviour's and St Olave's Church of England School	University of Cambridge	BA Human Social and Political Science
Ark Globe Academy Sixth Form	Royal Holloway University	BSc Business Management
James Allen Girls School	University of Cambridge	BSc Natural Science
St Saviours and St Olave's Church of England School	Brunel University	*BSc Biomedical Science
City of London Academy Sixth Form	King's College London	MBBS Medicine
Walworth Academy	City University of London	BA History
Harris Academy Sixth Form, Battersea	University of Oxford	Economics and Management
St Saviour's and St Olave's Church of England	SOAS University of London	BA History
Ark Globe Academy Sixth Form	University of Portsmouth	BSc Cyber Security and Forensic Computing
City of London Academy Sixth Form	University of Westminster	**BSc Real Estate

*Since 2013, St Olave's United Charity has been supporting the scheme by funding the scholarship of an additional scholar through our recruitment process, which is included in the list above (T&Cs apply).

**This year, Southwark's Regeneration and Planning department have sponsored a scholar with the potential view to offer employment to the scholar on completion of their course (T&Cs apply).

***Due to GDPR, personal details are not included in the above list.

Appendix 1. Ofsted Ratings - 31st August 2020

Key: 1 – Outstanding. 2 - Good. 3 - Requires Improvement. 4 - Inadequate/Special Measures.

Newly opened schools do not have an inspection judgement in their first three years of operation

School Name	Type	Current Ofsted:	
		Inspection Date	Inspection Rating
Nursery Schools			
Ann Bernadt Nursery School	Nursery	27/11/2013	2
Dulwich Wood Nursery School	Nursery	10/05/2016	2
Grove Children & Family Centre	Nursery	02/12/2014	2
Kintore Way Nursery School and Children's Centre	Nursery	19/09/2013	1
Nell Gwynn Nursery School	Nursery	08/07/2015	2
Primary Schools			
Albion Primary School	Primary	11/10/2011	1
Alfred Salter Primary School	Primary	05/02/2019	2
Angel Oak Academy	Primary	11/10/2017	1
The Belham Primary School	Primary	17/07/2018	2
Bellenden Primary School	Primary	24/09/2013	2
Bessemer Grange Primary School	Primary	10/03/2015	2
Boutcher Church of England Primary School	Primary	06/05/2008	1
Brunswick Park Primary School	Primary	24/04/2019	2
Camelot Primary School	Primary	17/01/2018	2
The Cathedral School of St Saviour and St Mary Overy	Primary	22/10/2008	1
Charles Dickens Primary School	Primary	24/09/2019	1
Charlotte Sharman Primary School	Primary	07/11/2018	3
Cobourg Primary School	Primary	13/03/2018	3
Comber Grove School	Primary	06/05/2015	2
Crampton Primary	Primary	04/02/2014	1
Crawford Primary School	Primary	03/10/2019	2
Dog Kennel Hill School	Primary	12/09/2011	2
Dulwich Hamlet Junior School	Primary	16/09/2008	1
Dulwich Village Church of England Infants' School	Primary	16/09/2008	1
Dulwich Wood Primary School	Primary	06/03/2012	2
English Martyrs Roman Catholic Primary School	Primary	07/07/2016	2
Friars Primary Foundation School	Primary	16/05/2018	2
Galleywall Primary School	Primary	14/05/2019	1
Goodrich Community Primary School	Primary	07/12/2016	2
Goose Green Primary and Nursery School	Primary	15/01/2020	2
Grange Primary School	Primary	04/10/2012	2
Harris Primary Academy East Dulwich	Primary	09/05/2017	1
Harris Primary Academy Peckham Park	Primary	13/03/2018	2
Harris Primary Free School Peckham	Primary	19/04/2017	2
Heber Primary School	Primary	08/10/2019	2
Hollydale Primary School	Primary	06/02/2018	2
Ilderton Primary School	Primary	17/06/2015	1
Ivydale Primary School	Primary	26/02/2019	2
John Donne Primary School	Primary	10/10/2011	1

School Name	Type	Current Ofsted:	
		Inspection Date	Inspection Rating
John Ruskin Primary School and Language Classes	Primary	28/01/2009	1
Judith Kerr Primary School	Primary	12/05/2015	2
Keyworth Primary School	Primary	09/05/2018	2
Lyndhurst Primary School	Primary	05/11/2014	2
Michael Faraday School	Primary	16/10/2014	2
Oliver Goldsmith Primary School	Primary	25/09/2018	3
Peter Hills with St Mary's and St Paul's CofE Primary School	Primary	21/05/2013	2
Phoenix Primary School	Primary	17/06/2015	1
Pilgrims' Way Primary School	Primary	01/07/2015	2
Redriff Primary School	Primary	13/09/2011	1
Riverside Primary School	Primary	04/10/2011	1
Robert Browning Primary School	Primary	15/11/2017	3
Rotherhithe Primary School	Primary	14/01/2014	2
Rye Oak Primary School	Primary	30/11/2016	2
Saint Joseph's Catholic Primary School, the Borough	Primary	05/12/2013	2
Snowsfields Primary School	Primary	03/07/2013	2
Southwark Park Primary School	Primary	06/03/2014	2
St Anthony's Catholic Primary School	Primary	23/02/2012	2
St Francesca Cabrini Primary School	Primary	11/06/2013	2
St Francis RC Primary School	Primary	05/12/2012	2
St George's Cathedral Catholic Primary School	Primary	12/12/2018	2
St George's Church of England Primary School	Primary	01/05/2018	2
St James' Church of England Primary School	Primary	19/11/2014	2
St James the Great Roman Catholic Primary School	Primary	28/03/2017	2
St John's and St Clement's Church of England Primary School	Primary	05/12/2013	2
St John's Roman Catholic Primary School	Primary	10/02/2011	2
St John's Walworth Church of England Primary School	Primary	11/09/2018	3
St Joseph's Catholic Infants School	Primary	03/10/2013	2
St Joseph's Catholic Junior School	Primary	15/01/2013	2
St Joseph's Catholic Primary School	Primary	24/05/2012	1
St Joseph's Roman Catholic Primary School	Primary	08/01/2007	1
St Jude's Church of England Primary School	Primary	15/10/2014	2
St Mary Magdalene Church of England Primary School	Primary	27/06/2013	2
St Paul's Church of England Primary School	Primary	27/02/2018	4
St Peter's Church of England Primary School	Primary	24/01/2013	2
Surrey Square Primary School	Primary	06/12/2016	1
Tower Bridge Primary School	Primary	27/01/2016	2
Townsend Primary School	Primary	04/06/2019	2
Victory Primary School	Primary	24/10/2013	2
Secondary Schools			
Ark All Saints Academy	Secondary	02/06/2015	2
Ark Globe Academy	Secondary	23/10/2014	2
Ark Walworth Academy	Secondary	22/10/2014	2
Bacon's College	Secondary	01/02/2017	4
The Charter School East Dulwich	Secondary	16/10/2018	2
The Charter School North Dulwich	Secondary	04/11/2009	1
City of London Academy (Southwark)	Secondary	06/10/2011	2

School Name	Type	Current Ofsted:	
		Inspection Date	Inspection Rating
Compass School Southwark	Secondary	17/05/2017	2
Harris Academy Bermondsey	Secondary	18/03/2015	1
Harris Academy Peckham	Secondary	19/09/2011	2
Harris Boys' Academy East Dulwich	Secondary	07/12/2011	1
Harris Girls' Academy East Dulwich	Secondary	14/03/2012	1
Kingsdale Foundation School	Secondary	14/06/2017	1
Notre Dame Roman Catholic Girls' School	Secondary	21/11/2012	1
Sacred Heart Catholic School	Secondary	11/12/2012	1
St Michael's Catholic College	Secondary	03/07/2013	1
St Saviour's and St Olave's Church of England School	Secondary	25/02/2009	1
The St Thomas the Apostle College	Secondary	20/11/2018	1
University Academy of Engineering South Bank	Secondary	09/05/2017	2
Special Schools			
Beormund Primary School	Special	28/02/2013	2
Bethlem and Maudsley Hospital School	Special	17/11/2011	1
Cherry Garden School	Special	04/06/2015	1
Evelina Hospital School	Special	30/01/2013	1
Haymerle School	Special	11/03/2015	2
Highshore School	Special	26/02/2013	2
Newlands Academy	Special	28/11/2012	2
Spa School, Bermondsey	Special	01/12/2015	1
Tuke School	Special	04/10/2011	1
PRU			
Southwark Inclusive Learning Service (Sils)	PRU	29/01/2015	2

With acknowledgement and thanks to those who helped to compile the Standards Report this year, and in particular, to those schools who have allowed their photographs to be used.

Item No. 11.	Classification Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Housing Revenue Account – Indicative Rent Setting and Budget Report 2021-22	
Ward(s) or groups affected:		All	
Cabinet Members:		Councillor Rebecca Lury, Finance and Resources and Councillor Leo Pollak, Housing	

FOREWORD – COUNCILLOR REBECCA LURY, CABINET MEMBER FOR FINANCE AND RESOURCES, AND COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

We are proud to maintain and manage the Council’s 53,000 rented, leasehold and freehold homes across the Borough.

The money we use to do this sits within our Housing Revenue Account (HRA) which is made up of rents and service charges paid by tenants and homeowners and used to fund all the activity needed to ensure our homes and estates are well run and in good condition.

This report sets out an indicative budget for next year’s HRA (2021-22) so we can seek tenant and homeowner views on it before a final budget is agreed. The report also considers what the appropriate charges should be for a variety of housing services. Final decisions will be taken by cabinet in January 2021.

The ongoing Covid-19 pandemic has had huge ramifications for our tenants and homeowners, and will continue to do so for the foreseeable future. This has impacted on the HRA for 2020-21 and will continue to impact on our budget for 2021-22. This includes the Council having suspended arrears recovery procedures, granting rent waivers to mitigate the financial pressure on commercial tenants, the impact of lockdown on capital works and new build programmes, and increasing costs to provide support to those finding themselves homeless, and accessing support through the Council’s community hub.

However, what we have presented here sets out to continue to provide support to all of those individuals whose homes we have the privilege of managing. We are asking Cabinet to consider the recommendations set out in this report and then allow consultation on its proposals before we take our final decisions in January.

RECOMMENDATIONS

1. Cabinet notes on a provisional basis a rent increase of 1.5% for all directly and tenant managed (TMO) housing stock within the HRA (including estate voids, sheltered and hostels), with effect from 5 April 2021. This is the maximum permitted under the Rent Standard 2020.

2. With regard to other HRA-wide charges, cabinet notes on a provisional basis the changes to tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry system maintenance as set out in paragraphs 22 – 23 with effect from 5 April 2021.
3. Cabinet notes on a provisional basis the proposed changes to sheltered housing service charges as set out in paragraphs 24 – 26 with effect from 5 April 2021.
4. Cabinet notes on a provisional basis the changes to charges for garages and other non-residential facilities as set out in paragraphs 27 – 29 with effect from 5 April 2021.
5. Cabinet notes on a provisional basis no increase to district heating and hot water charges as set out in paragraphs 30 – 33 with effect from 5 April 2021.
6. Cabinet reaffirms its commitment to ensure that savings proposals are primarily based on efficiencies, and where staffing reductions form part of any savings proposal, that due consultation and process is followed with trade unions.
7. Cabinet instructs officers to provide a final report on Rent Setting and the HRA Budget for 2021-22 after due consultation processes with residents have been followed, for consideration at their meeting on 19 January 2021.

BACKGROUND INFORMATION

Statutory Framework

8. The Housing Revenue Account (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 council has a statutory responsibility to set a balanced HRA budget.
9. The Welfare Reform and Work Act 2016 compelled councils and housing associations to reduce rents by 1% each year for the financial years 2016-17 to 2019-20. In October 2017 MHCLG announced that national rent policy would revert to CPI+1% for a period of five years from 2020-21 to 2024-25. This was followed by a rent policy statement from government reaffirming that in September 2018.
10. In February 2019, following consultation, the government issued a direction on the Rent Standard from 1 April 2020 to the Regulator of Social Housing. The Regulator is required to take into account the government commitment to a five-year settlement of rent increases up to September CPI+1%. This direction also for the first time brought local authority registered providers within the scope of the Regulator's Rent Standard.

KEY ISSUES FOR CONSIDERATION

Impact of the National Rent Reduction Policy

11. Southwark has a history of low or inflation-linked rent rises, and has always adhered to the government's rent formula when setting rents, with the single exception to agree a lower rent increase in 2014-15, equivalent to CPI for that year, as the implied national increase was considered to be too high. Southwark's rents remain between 8% – 9% lower than the government's assumed target, though the effect of the "straight-to-target" policy, coupled with the requirement of the Rent Standard 2020 that all new lets be at target rent will reduce this gap over an extended period of time. Council rents rank 8th lowest of the 29 London Boroughs with retained housing stock.

HRA Budget Background

12. Whilst the funding regimes for the HRA and the council's general fund are different, the budget principles are aligned, whereas the timeline for setting rents is abridged such that notification of changes in rents and charges can be served in line with the statutory deadline.
13. Budget review and validation is unremitting and endeavours to identify savings through service rationalisation and more efficient working practices, with particular focus on back-office and departmental/corporate overheads in order to prioritise resources to where they are most needed and deliver the council's policy objectives. This has been particularly difficult within the constraints of a national rent reduction policy and welfare benefit reforms, along with inflationary and contract cost pressures and unavoidable commitments arising from exceptional events such as Grenfell and latterly Covid-19. The table below illustrates the extent of these pressures since 2012 when the HRA became self-financing and wholly reliant on its own resources.

	Budget Pressures and Unavoidable/ Commitments	Financing and Non-Rental Income Streams	Efficiency Savings, Rent Increase and Budget Rationalisation
	£'000	£'000	£'000
2012-13	5,500	856	(6,356)
2013-14	12,641	(6,609)	(6,032)
2014-15	5,758	135	(5,893)
2015-16	10,491	(5,029)	(5,462)
2016-17	10,676	(349)	(10,327)
2017-18	5,184	1,557	(6,741)
2018-19	3,741	(1,053)	(2,688)
2019-20	6,226	(1,673)	(4,553)
2020-21	9,423	2,568	(11,991)
Total	69,640	(9,597)	(60,043)

Budget Framework and Key Issues for 2021-22

14. The ongoing Covid-19 pandemic has affected virtually every aspect of modern lives throughout 2020 and will continue do to so in some form or other for the foreseeable future. With regard to the provision of social housing services by the council, there are a number of particular areas that require emphasis in the context of the HRA budget and rent-setting process:
- Arrears recovery procedures have been suspended to assist Southwark residents during this challenging period, which will inevitably lead to higher arrears at year-end. This is primarily an issue of cash-flow with the expectation that the income position will continue to show gradual improvement, but take some time to normalise to pre-Covid-19 collection levels. There is an expectation that the level of write-offs will be higher over the medium-term and that the budget provisions set aside for bad debts will be fully utilised in the current year.
 - A further impact has been in relation to the council's commercial property portfolio, which contains HRA-funded assets, such as shops on estates, etc. The council has looked to grant rent waivers to mitigate the financial pressure on commercial tenants as the various national measures for containing the spread of the virus come and go. However, given the financial uncertainty, the likelihood of businesses failing is increased with the consequent risk of higher irrecoverable bad debts requiring write-off. No income growth has been assumed for next year.
 - The lockdown of construction sites in the early phase of Covid-19 has also impacted the capital works and new build programmes, with consequent contract time delays and additional costs arising from site closures and PPE and social-distancing measures following re-opening. These costs are largely of a capital nature which adds pressure to an already under-resourced programme.
 - Notwithstanding the financial contribution provided by government towards meeting some of the council's Covid-19 costs, this has been directed entirely at general fund services, particularly homelessness, rough sleeping and the community hub. However, as noted in the monitoring report received by cabinet in October 2020, it is important to recognise that there has been no financial support from central government for HRA services arising from the pandemic.
15. The indicative budget for 2021-22 is predicated on a number of known and anticipated budget pressures and commitments and assumptions around demand/activity totalling £9.9m and a rent increase at September 2020 CPI+1% (1.5%) which raises £2.7m net. Other income streams are estimated to contribute a further £2.1m and a range of budget savings and rationalisation measures delivers £5.1m. These proposals are sufficient to deliver a balanced budget for 2021-22 as required by statute.

16. One of the most pressing budget pressures is repairs and maintenance, which already consumes the greatest proportion of operational resources. Control of high value/high volume budgets is important and the successful implementation of the housing repairs improvement plan is critical to improving the performance and financial viability of the housing repairs service going forward. For 2021-22, additional resources of £4.85m are being committed to the repair and maintenance of the housing stock.
17. Close monitoring and scrutiny of key budget drivers and performance indicators provide opportunity to realign and rationalise budgets to more closely reflect demand and activity changes and correct any budget anomalies that may have arisen over time. With rent policy still constrained to CPI+1%, the reality is that resources are unlikely to ever fully match the needs of the housing stock. This is particularly true for both the HRA and the housing investment programme, and requires the prioritisation and re-profiling of works programmes in order to achieve best value and ensure long-term financial sustainability. Appendices A to F set out the indicative revenue budget movements as they relate to 2021-22.

Average Rent Levels

18. The table below sets out the comparative average rent by bed-size for 2020-21 and the indicative average rent after the proposed increase and including stock movements year-on-year. As noted above, the council is following the 'straight-to-target' policy regarding new lets, which became mandatory under the Rent Standard 2020.

Bedrooms	Average weekly rent 2020-21	Average weekly rent 2021-22	Average increase per week
0	£80.33	£81.59	£1.26
1	£92.06	£93.49	£1.43
2	£101.64	£103.27	£1.63
3	£111.16	£112.98	£1.82
4	£120.03	£122.07	£2.04
5	£131.53	£133.65	£2.12
6+	£144.80	£147.52	£2.72
Total/Ave	£101.57	£103.24	£1.67

HRA Financing

19. The self-financing settlement assumed that residual debt would be extinguished over the thirty-year life of the business plan. Whilst there is no statutory requirement for a minimum repayment set-aside (unlike the general fund), £55.1m has been repaid since 2012. This would have been higher were it not for the enforced rent reduction which necessitated re-prioritising service delivery over debt repayment. Up until recently, it has not been necessary to borrow additionally to fund the capital programme, but that position is no longer sustainable and borrowing will increase exponentially as the new homes, heat network and high-needs estates programmes ramp-up. Whilst the relaxation of local authority borrowing controls is welcome and market interest rates are low,

it is not a panacea for unfettered borrowing as the revenue financing costs of new debt need to be sustainable over the long-term (thirty to fifty years).

20. Borrowing remains subject to the provisions of the Local Government Act 2003 which requires the local authority to have regard to the Chartered Institute of Public Finance and Accountancy's '**Prudential Code for Capital Finance in Local Authorities 2011**' when determining how much money it can afford to borrow. The objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable, and that decisions are taken in accordance with good professional practice. The council's treasury management strategy is regularly reviewed and reported to council assembly twice a year.

HRA Reserves

21. In accordance with the Fairer Futures Medium Term Financial Strategy (FFMTFS) and in common with other local authorities and the council's general fund, the HRA holds reserves to manage demand volatility, fulfil future commitments and mitigate budget risk. The level of reserves and working balances at 31 March 2020 stood at £23.0m, up from £20.8m the previous year. This is a continuation of the gradual replenishment of reserves following the downward trajectory experienced in prior years. It should be noted that around three-quarters are earmarked for specific purposes, with the remainder held as a contingency against exceptional or catastrophic events. Given the size of the HRA and HIP, this is still considered to be below the optimal level required and it remains a priority to build a more prudent reserve position as resources permit.

Tenant Service Charges

22. Tenant service charges (TSC) originated from the government's rent restructuring regime in 2002-03 with the intention of engendering greater consistency and transparency between local authority and RSL sectors. They were first de-pooled from rents (i.e. rents were reduced by an equivalent amount as the cost of the service charges) in Southwark in 2003-04 and have been rebased on several occasions since.
23. The principle underpinning the calculation of charges is that they are set at a level to recover the estimated cost of providing the service; borough-wide costs are pooled in order to moderate any area cost differentials and divided by the estimated number of service recipients to derive a standard charge. In order to ensure that costs and charges remain aligned, they are now subject to annual rebasing and the existing and proposed rates are set out below. Crucially they remain eligible for welfare benefit support.

Tenant service charges	2020-21	2021-22	Change
	£ per week	£ per week	£ per week
Estate Cleaning	5.99	6.13	14p
Grounds Maintenance	1.26	1.42	16p
Communal Lighting	1.34	1.46	12p
Door Entry	0.66	0.66	–
Total	9.25	9.67	42p

Sheltered Housing Service Charges

24. Sheltered housing service charges were first implemented in 2013-14 and reflect the cost of enhanced housing management services provided to residents. Whilst core service provision has largely remained unaltered over the period, charge rates have not kept pace with costs. Following a rebasing exercise during the last financial year, charge rates were proposed to increase markedly to fully reflect the cost of provision. However, in order to avoid any potential hardship for clients, cabinet resolved to cap the increase for 2020-21 at the same level as the dwelling rent increase (2.7%), pending a wide service review.
25. This review has been concluded, and the anticipated charge for 2021-22 has been calculated as being £34.69. However to retain the phasing element promised previously, the charge has been capped at £33.20 (an increase of £2.18 per week). Given the phasing, the anticipated charge in 2022-23 will be £35.38 (based on current inflation indices).
26. Service charges like rents are eligible for welfare benefits and currently over 90% of all residents are in receipt of full or partial support or receive transitional funding from Adult Social Care, a long-standing agreement emanating from the Supporting People funding regime, which is gradually falling out as residents leave sheltered care. Around 9% of residents self-fund.

Garage and Non-Residential Charges

27. Garage assets provide a valuable revenue stream to the HRA and help avoid the need for even greater savings. Charges are determined by reference to inner London quartile rates, demand and stock availability. A limited programme of renewal and refurbishment to bring obsolete garages back into use continues, but this is likely to slow or cease as resources become more constrained and policy priorities for garage sites shift towards the provision of new homes and where appropriate and financially viable, more affordable business/creative work space.
28. Following a review of the garage portfolio and charging regime it is recommended that standard charges for council residents (secure tenants, resident leaseholders/ freeholders) are increased by 2.1%; and by for 5% for private sector renters. The resultant charges are set out in the table below.

Garage charges	2020-21 £ per week	2021-22 £ per week	Change £ per week
Standard charge	21.30	21.75	0.45
Concessionary rate (£5 reduction)	16.30	16.75	0.45
Small sites rate	11.30	11.50	0.20
Private sector rate*	35.50	37.30	1.80
Additional charges:			
Larger than average garage	5.30	5.40	0.10
Additional parking	5.30	5.40	0.10
Water supply	0.50	0.50	–
Additional security	1.00	1.00	–

* N.B. the private sector charge is liable for VAT at the standard rate

29. Under normal circumstances these increases would generate additional income of around £150k. However, this is offset by the likely effects of the pandemic depressing letting activity.

District Heating Charges

30. The council's procurement strategy for the purchase of gas and electricity for the district heating network is provided through the LASER purchasing consortium that has over a sustained period delivered very competitive utility prices, primarily gas. This has enabled pooled charges to tenants to be maintained at the same level for a number of years and on average, these are lower than retail market rates. However, notwithstanding the advantage of this arrangement, utility prices remain subject to market fluctuations over which the council has no control.
31. The council's pooled charging policy for district heating and hot water commenced in 1995 with the establishment of the district heating account, with the purpose to smooth-out the impact of price fluctuations over an extended period, mitigate any deficit periods and minimise the requirement for frequent charge movements.
32. Review of the ring-fenced heating account takes place annually as part of HRA budget-setting to align the anticipated cost and income for the forthcoming year, taking into account price and consumption, poor weather and changes in the recoverable tenanted 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. This ensures equilibrium between tenants across the piece regardless of the age and condition of the heating system to which they are connected. On-going investment in energy efficiency measures to reduce consumption also contributes to the financial stability of the heating account. For tenants, the cost of repairs and maintenance is integral in their rent.

33. For homeowners connected to the district heating network, the situation is different as under the terms of the lease they become liable for the actual energy costs incurred and will experience fluctuations in their charges year to year. In addition, and in line with other communal services, they are liable for a proportion of the actual cost of repairs and maintenance to the heating system in the block/estate in which they reside.

Other Income Streams

34. Whilst tenant rents and service charges constitute over three-quarters of HRA income; the remainder comprise homeowner service charges, commercial property rents, interest receivable, recharges, costs recovered, capitalised expenditure and discretionary and mandatory fees and charges.
35. Homeowner revenue service charges are the second-largest income stream to the HRA and represent the actual cost of services provided to homeowners that are fully recoverable under the terms of the lease. Whilst right-to-buy activity remains relatively low, price and volume increases across a range of recoverable services are forecast; the base budget needs to be realigned for 2021-22 to reflect this. Overall this is net neutral to the HRA. Capital works service charges are determined by the scale and delivery of investment in the stock and the extent to which it pertains to leasehold property (external and communal works). The base budget is based on a relatively prudent expectation of income in order to avoid frequent budgetary fluctuations due to the variable nature of the works programme, and given the delays arising from the pandemic in the current year, there is no realistic expectation of budget growth in this area for 2021-22.

Consultation and Statutory/Contractual Notification Requirements

36. Unlike matters of direct housing management there is no statutory requirement to consult on rent and other charges; however the council remains committed to engaging with residents under the terms of the Tenancy Agreement. Specific consultation normally commences with this interim scene-setting report to cabinet in December setting out the indicative budget and implications for rents and other charges in order that information can be disseminated to residents before Christmas.
37. Previous resident involvement arrangements would have meant that this report would have been presented to Tenant Council (TC), area housing forums, Southwark TMO Liaison Committee (STMOC) and Homeowner Council (HOC) during January 2021. However following extensive consultation the council adopted the new Resident Participation Framework earlier in 2020, reforming its consultative bodies and procedures. HRA budget and rent-setting consultation for 2021-22 will be conducted in line with these new arrangements. Homeowner representatives are unable to make recommendations in the matter of tenant rents and service charges, but may do so in respect of proposals regarding garage charges and in terms of the budget proposals pertinent to the calculation of their service charges.

38. Current intentions are to hold a one-off webinar on 15 December focusing exclusively on HRA rent-setting consultation. Invitations to the webinar will go out two weeks in advance to all TRAs, Southwark Group of Tenants Organisations (SGTO), all online panel members and all people who have previously attended local housing forum meetings. This cabinet report will be circulated to everyone who registers at least a week in advance of the session so that they have a chance to read, consider and formulate any questions.
39. People who would like to take part but are not able to make the webinar itself will be able to register their interest so that they can be sent links to the recording of the session and also to the on-line response/polling arrangements. The local housing forums in December will be informed in order to encourage residents to participate at any stage. N.B. the timing of the forums is such that not all will be before the date of the webinar, but the information item will form part of the agenda dispatch, ensuring that recipients will be aware prior to 15 December.
40. Cabinet will consider the final rent-setting and HRA budget report at their meeting on 19 January 2021. The results of the consultation process will be collated and reported to cabinet at that meeting for their consideration. Subsequent to the approval of the final report, either as set out or as amended by cabinet, and the passing of the necessary date for its implementation, the council will issue the statutory and contractual notification of variation in rents and other charges to all tenants, not less than 28 days prior to the operative date of 5 April 2021 for commencement of the new rent year.

Community impact statement

41. In line with our Public Sector Equality Duty contained within section 149 of the Equality Act 2010, 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 in the event, how such issues can be mitigated. Analysis is also undertaken to consider any cross-cutting and council-wide impacts. To date no cumulative impacts have been identified.
42. Information on the equality analysis is shared with cabinet to enable it to be considered when decisions are taken. Changes to services will be implemented in such a way to not impact disproportionately on any specific section or group in our community or staff cohort, and where necessary, consultation will be undertaken alongside mitigating action.
43. 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 was determined nationally and required authorities to reduce rents by 1% per annum. However, from 2020-21 rents are intended to increase by CPI+1% under the provisions of the Rent Standard 2020 and it is recognised that any increase may present particular difficulties for people on low

incomes. However, rents and tenant service charges remain eligible for housing benefit/universal credit.

44. 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 provision of additional resources to support tenancy sustainment and financial assistance through the provision of Discretionary Housing Payments (DHP). The provision of further DHP support is subject to annual confirmation from central government.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

45. The report sets out an Indicative Budget for the Housing Revenue Account (HRA) for 2021-22. Members are invited to approve officer recommendations for:
- Rent increases for existing directly managed and TMO managed tenancies by 1.5%
 - An increase in tenant service charges
 - A phased increase in sheltered housing service charges
 - A 2.1% or 5.0% increase in charges for garages and other non-residential facilities dependent on the status of the customer; and
 - No increase in district heating and hot water charges.
46. The financial and budgetary considerations underpinning the recommendations are explained in the body of the report and its annexes.

Policy and Legislative Context

47. The **Local Government and Housing Act 1989** (“the 1989 Act”) sets out legal requirements in relation to housing finance, in particular a duty under Section 74 of the Act to maintain a Housing Revenue Account (“HRA”). The 1989 Act provisions include a duty, under Section 76 to budget to prevent a debit balance on the HRA and to implement and review the budget.
48. The **Housing Act 1985** (“the 1985 Act”) section 24 gives the council power to “*make such reasonable charges as [it] may determine for the tenancy or occupation of [its] houses*”. The council is additionally required by Section 24 of the 1985 Act, from time to time, to review rents and make such changes as circumstances may require.
49. Up to 1 April 2020 the discretion as to rents and charges was subject to restrictions arising from the provisions of the **Welfare Reform and Work Act 2016** (‘the 2016 Act’). The Act and supporting regulations required the council to

ensure (subject to limited exceptions) that for each relevant year the rents (excluding charges made for services) payable by its social tenants reduced by at least 1% year on year from a 2015-16 baseline, for a period of four years . The Act also made provision, for a period of four years commencing 2016, for the maximum levels of rent for social tenancies commencing after 8 July 2015; these provisions applied to tenancies of new homes and re-lets to a new tenant, but not the grant of a new tenancy to an existing tenant.

50. Following consultation by the Ministry of Communities, Housing and Local Government with Registered Providers and Local Authorities, from 1 April 2020 the council must set rents in accordance with the **Rent Standard April 2020** (“the 2020 Standard”). This is issued by the Regulator of Social Housing under direction (the Rent Standard Direction 2019) of the Secretary of State for Housing, Communities and Local Government pursuant to powers given under the **Housing and Regeneration Act 2008** Section 197. Government policy in this respect is set out in the “Policy Statement of Rents for Social Housing”.
51. Under the 2020 Standard the council may apply annual rent increases, over a five-year period, of up to 1% above the general index of consumer prices; CPI. The 2020 Standard sets out the formula to be applied. The council may set rents as recommended in the report provided the council has met its rent reduction obligations over the previous four years.
52. The council must comply with the rules contained in the 2020 Standard; Housing and Regeneration Act 2008 section 194(2A). There is additionally a requirement to provide information to the Regulator of Social Housing when required and a duty to report non-compliance or potential non-compliance.

Consultation

53. Changes in Rent and other charges are excluded from the statutory consultation requirements on matters of “housing management” in respect of which local authorities are required to consult their tenants secure, introductory and demoted tenants pursuant to Section 105 of the Housing Act 1985 and Sections 137 and 143A of the Housing Act 1996. The Council however has undertaken in its tenancy conditions to consult with the Tenant Council before seeking to change rent and other charges. The report indicates that consultation will take place in order to comply with this term.
54. The council is required, by Section 103 of the Housing Act 1985 in relation to its secure tenancies by Section 111A of the Housing Act 1985 in respect of its introductory tenancies and further to the council’s agreement with its tenants, to notify tenants of variations of rent and other charges. The council will need to serve a notice of variation, at least 28 days before the variation takes effect.

Equalities Impact

55. In making a decision the cabinet must have due regard to the council’s equalities duties set out in the Equalities Act 2010, 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; and
- Foster good relationships between those who share relevant characteristics and those who do not.

56. The report includes a community impact statement which sets out consideration given to the equality duties in the Equality Act.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
<p>Link (please copy and paste into your browser):</p> <p>http://modern.gov.southwark.gov.uk/documents/s86580/Report%20Approval%20of%20the%20Housing%20Revenue%20Account%202020-21%20and%20rent%20setting.pdf</p>	160 Tooley Street London SE1 2QH	Paula Thornton, Constitutional Team

APPENDICES

No.	Title
Appendix A	Summary of HRA Budget Movements 2021-22
Appendix B	HRA Summary Revised 2020-21 and Indicative Budget 2021-22
Appendix C	HRA Inflation, Budget Pressures and Commitments 2021-22
Appendix D	HRA Income Generation 2021-22
Appendix E	HRA Efficiencies and Improved Use of Resources 2021-22
Appendix F	HRA Subjective Indicative Budget 2021-22

AUDIT TRAIL

Cabinet Members	Councillor Rebecca Lury, Finance and Resources and Councillor Leo Pollak, Housing	
Lead Officers	Duncan Whitfield, Strategic Director of Finance and Governance Michael Scorer, Strategic Director of Housing and Modernisation	
Report Author	Ian Young, Interim Director of Finance and Departmental Finance Manager, Housing and Modernisation	
Version	Final	
Dated	26 November 2020	
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	N/a	n/a
Date final report sent to Constitutional Team		26 November 2020

APPENDIX A – SUMMARY OF HRA BUDGET MOVEMENTS 2021-22

	HRA Budget movement £000
Inflation	2,240
Service commitments	7,705
Inflation, budget pressures and commitments	9,945
Increase in rental income	(2,721)
Tenant service charges	(340)
Sheltered housing service charges	(76)
Fees, charges and third party income	(180)
Garage and non-residential charges	-
Homeowner service charges	(1,500)
Income generation	(4,817)
Savings impacting on service	(5,128)
Efficiency savings and improved use of resources	(5,128)
HRA budget gap	0

APPENDIX B – HRA SUMMARY REVISED 2020-21 AND INDICATIVE BUDGET 2021-22

	2020-21 Revised budget	2021-22 Indicative budget
	£m	£m
Employees	38.5	38.3
Operational running costs	35.0	35.7
Estate cleaning and grounds maintenance	17.2	17.7
Repairs and maintenance	46.3	53.7
Contributions to investment programme, great estates and major projects	27.1	27.1
Corporate support costs	11.1	11.1
Depreciation	53.0	53.0
Financing costs	33.6	30.6
Tenant management organisations (TMOs)	7.0	7.0
HRA Expenditure	268.8	274.2
Dwelling rents	(193.4)	(196.7)
Non-dwelling rents	(5.8)	(5.8)
Heating and hot water charges	(8.8)	(8.8)
Tenant service charges	(15.3)	(15.7)
Homeowners - major works	(11.0)	(11.0)
Homeowners - service charges	(19.8)	(21.3)
Interest on balances	(0.7)	(0.7)
Commercial property rents	(8.3)	(8.3)
Fees, charges and third party income	(2.4)	(2.6)
Recharges	(3.3)	(3.3)
HRA Income	(268.8)	(274.2)
HRA Total	0.0	0.0

APPENDIX C – HRA INFLATION, BUDGET PRESSURES AND COMMITMENTS 2021-22

Department	Division	Reference	Cabinet Member	Description	2021-22	Equalities Analysis Information
					£000	
Housing and Modernisation	Asset Management - SBS	101	Cllr Leo Pollak	SBS - revise base budget to reflect anticipated operational trading deficit	2,500	Maintain/enhance service provision
Housing and Modernisation	Asset Management - SBS	102	Cllr Leo Pollak	SBS - impact of new Terms and Conditions	600	Maintain/enhance service provision
Housing and Modernisation	Asset Management - Repairs and Maintenance	103	Cllr Leo Pollak	Cost pressures and volume/activity changes (net)	1,750	Maintain/enhance service provision
Housing and Modernisation	Resident Services - Estate Management	104	Cllr Leo Pollak	Estate utility costs (electricity)	350	Cost is recovered via relevant tenant service charge
Housing and Modernisation	Resident Services - Estate Management	105	Cllr Leo Pollak	Environment and Leisure recharges – grounds maintenance	70	Cost is recovered via relevant tenant service charge
Housing and Modernisation	Resident Services - Estate Management	106	Cllr Leo Pollak	Environment and Leisure recharges – pest control service for housing stock	140	Maintain/enhance service provision
Housing and Modernisation	Resident Services - Estate Management	107	Cllr Leo Pollak	Environment and Leisure recharges – estate cleaning	240	Cost is recovered via relevant tenant service charge
Housing and Modernisation	Resident Services - Estate Management	108	Cllr Leo Pollak	Environment and Leisure recharges - tree maintenance on estates	250	Cost is recovered via relevant tenant service charge
Housing and Modernisation	Resident Services - Estate Voids	109	Cllr Helen Dennis	Temporary Accommodation voids - refurbishment and repairs	1,350	Maintain/enhance service provision
Housing and Modernisation	All Services	110	Cllr Leo Pollak	General inflation provision	2,240	Maintain/enhance service provision
Housing and Modernisation	Exchequer Services - Homeowners	111	Cllr Leo Pollak	Homeowners Building Insurance	427	Cost is recovered via homeowner service charge
Housing and Modernisation	Customer Experience – Housing Solutions	112	Cllr Helen Dennis	Additional Housing Solutions staff to support increased demand (5.5 FTE included in GF)	28	Maintain/enhance service provision
Total					9,945	

APPENDIX D – HRA INCOME GENERATION 2021-22

Department	Division	Reference	Cabinet Member	Description	2021-22	Equalities Analysis Information
					£000	
Housing and Modernisation	Central Services - Rents	201	Clr Leo Pollak	2021-22 tenant rent increase @ September CPI (0.5% +1%) including stock/void movements and loss of shared hostel accommodation arising from COVID-19	(2,721)	No differential impact on any community or predicted group, but price increases for services may disproportionately impact people on low incomes
Housing and Modernisation	Central Services - Tenants Service Charges	202	Clr Leo Pollak	Tenant service charges - annual rebasing to ensure full cost recovery	(340)	No differential impact on any community or predicted group, but price increases for services may disproportionately impact people on low incomes
Housing and Modernisation	Exchequer Services - Garages	203	Clr Leo Pollak	Garage rents - annual increase in charges and rebasing to reflect activity changes	-	Increase in rents payable by commercial occupiers
Housing and Modernisation	Exchequer Services - Homeowners	204	Clr Leo Pollak	Homeowner revenue service charges	(1,500)	No differential impact on any community or predicted group, but price increases for services may disproportionately impact people on low incomes
Housing and Modernisation	All Services	205	Clr Leo Pollak	Annual review of departmental fees and charges	(30)	No differential impact on any community or predicted group, but price increases for services may disproportionately impact people on low incomes
Housing and Modernisation	Customer Experience - SMART	206	Clr Alice Macdonald	Contribution to costs of operating the Lambeth Careline service	(150)	Charge is for a service provided to a particular group
Housing and Modernisation	Resident Services - Sheltered Housing	207	Clr Helen Dennis	Realign sheltered housing service charges to ensure full cost recovery	(76)	Charge is for a service provided to a particular group
Total					(4,817)	

APPENDIX E – HRA EFFICIENCIES AND IMPROVED USE OF RESOURCES 2021-22

Department	Division	Reference	Cabinet Member	Description	2021-22	Equalities Analysis Information
					£000	
Housing and Modernisation	Customer Experience - MSHO	301	Clr Leo Pollak	Restructuring of Sales & Acquisitions team to improve performance and reflect current levels of activity	(144)	No impact on service users, but any potential reduction in establishment to be undertaken in accordance with the council's reorganisation, redundancy and redeployment procedure
Housing and Modernisation	Customer Experience - MSHO	302	Clr Leo Pollak	MSHO Board ceased - delete surplus budget	(12)	No impact on service users
Housing and Modernisation	Customer Experience - Housing Solutions	303	Clr Leo Pollak	Realignment of underoccupation budget with current expenditure/activity	(220)	No impact on service users
Housing and Modernisation	Resident Services - Area Management, Strategy and Business Support	304	Clr Leo Pollak	Review of Resident Services division including concierge service provision and charging	(285)	No impact on service users, but any potential reduction in establishment to be undertaken in accordance with the council's reorganisation, redundancy and redeployment procedure
Finance and Governance	Exchequer Services - Rents	305	Clr Leo Pollak	Abbeyfield Road office - redundant office now part of New Homes programme - reduction in operational running costs	(40)	No impact on service users
Housing and Modernisation	Customer Experience - Contact Centre	306	Clr Alice Macdonald	Restructuring of Out of Hours management function	(249)	No impact on service users, but any potential reduction in establishment to be undertaken in accordance with the council's reorganisation, redundancy and redeployment procedure
Housing and Modernisation	Customer Experience - MSSP	307	Clr Alice Macdonald	Reduction of three posts within the service point due to service delivery change (1 post included in GF)	(78)	No impact on service users, but any potential reduction in establishment to be undertaken in accordance with the council's reorganisation, redundancy and redeployment procedure
Housing and Modernisation	Central Services - Financing	308	Clr Leo Pollak	Capitalised revenue works/employee costs	(500)	Central financing adjustment - no impact on service users
Housing and Modernisation	Central Services - Financing	309	Clr Leo Pollak	Budget reduction - provision for bad debts	(600)	Central financing adjustment - no impact on service users
Housing and Modernisation	Central Services - Financing	310	Clr Leo Pollak	Budget reduction - debt financing budget	(3,000)	Central financing adjustment - no impact on service users
Total					(5,128)	

APPENDIX F – HRA SUBJECTIVE INDICATIVE BUDGET 2021-22

	2020-21 Revised budget	Inflation, budget pressures and commitments	Income generation	Efficiency savings and improved use of resources	2021-22 Indicative budget
	£000	£000	£000	£000	£000
Employees	38,527	1,088	-	(1,256)	38,359
Operational running costs	35,048	917	-	(272)	35,693
Estate cleaning and grounds maintenance	17,179	560	-	-	17,739
Repairs and maintenance	46,312	7,380	-	-	53,692
Contributions to investment programme, great estates and major projects	27,070	-	-	-	27,070
Corporate support costs	11,110	-	-	-	11,110
Depreciation	53,000	-	-	-	53,000
Financing costs	33,555	-	-	(3,000)	30,555
Tenant management organisations (TMOs)	6,955	-	-	-	6,955
HRA Expenditure	268,756	9,945	0	(4,528)	274,173
Dwelling rents	(193,369)	-	(2,721)	(600)	(196,690)
Non-dwelling rents	(5,793)	-	-	-	(5,793)
Heating and hot water charges	(8,838)	-	-	-	(8,838)
Tenant service charges	(15,270)	-	(416)	-	(15,686)
Homeowners - major works	(11,000)	-	-	-	(11,000)
Homeowners - service charges	(19,835)	-	(1,500)	-	(21,335)
Interest on balances	(700)	-	-	-	(700)
Commercial property rents	(8,275)	-	-	-	(8,275)
Fees, charges and third party income	(2,378)	-	(180)	-	(2,558)
Recharges	(3,298)	-	-	-	(3,298)
HRA Income	(268,756)	0	(4,817)	(600)	(274,173)
HRA Total	0	9,945	(4,817)	(5,128)	0

Item No. 12.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Old Kent Road Area Action Plan: December 2020 Draft	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Johnson Situ, Climate Emergency, Planning and Transport	

FOREWORD – COUNCILLOR JOHNSON SITU, CABINET MEMBER FOR CLIMATE EMERGENCY, PLANNING AND TRANSPORT

The Old Kent Road has been a key artery in to the centre of London for centuries but our ambition for the area is one rooted in the local community that call it home, whether residents or businesses. Having grown up nearby, in many ways the Old Kent Road at first glance can be mistaken as primarily some housing and shops, which surround the A2. However, we know different, from the businesses, which make Christmas designs for Regent Street, to its rich diversity and the light industrial businesses along the Old Kent Road, all of which we plan to strengthen.

We seek to create a great place to grow up and a great place to grow old in. We want to meet the housing need in the area, ensure people have access to good jobs locally that pay the London Living Wage, green family friendly open spaces, support the unique light industrial heritage of the Old Kent Road and ensure plans are carbon neutral in support of our Climate Emergency Declaration.

Listening to local communities there are common themes that emerge; the need to provide more and better housing, improve public transport, reduce air pollution, address climate change, provide for younger people and crucially build trust in the council’s ability to deliver on its promises. We have shaped and changed the plan to be people centred and family friendly.

We also want to make sure our decision making is transparent, is guided by the views of local people and that we can be measured against our promises. We have already begun this through our community forums, and the ‘You said We Did’ summary of changes that have been made to the plan in response to feedback.

The revised Old Kent Road Area Action Plan sets out how we will deliver 10,000 new jobs many of them London Living Wage, new parks, new school places, a new college, improvements to Old Kent Road itself, and at least 5,000 social homes as part of 20,000 homes (in line with our commitment to be at least 35% affordable) all supported by the extension of the Bakerloo Line from Elephant and Castle to Lewisham. We are also seeking to bring a university to the area along with a cultural destination and a pioneering youth facility. Our ambition is to not only deliver these new homes and jobs but to address health, education and housing inequalities the health and improve the life chances of people who already live and work along Old Kent Road underpinned by decent housing for all and well-designed neighbourhoods.

The importance of local town centres as an essential centre of activity for local communities providing services and opportunities for social interaction has been brought home by the recent Covid crisis. Our plan is to ensure residents can get what they need in which shops,

jobs, schools and parks are all within a short (15 minute) walk of people's homes. We will revitalise the Old Kent Road as a high street, retaining its diversity and re-providing the range of shops and leisure uses, including the food shopping and the larger stores, which are currently very well used.

A key part of our commitment to the Climate Change Emergency is the delivery of net zero carbon development in Old Kent Road by 2030. Development in the area will be car free and the promotion of walking and cycling as well as electric buses, taxis and commercial vehicles will help to tackle air and noise pollution. We are developing a District Heat Network linking new developments to the South East London Combined Heat and Power plant, which will deliver both significant savings in CO2 emissions and cheaper energy costs for residents. This is vital not only for health but for our collective long term futures.

This new plan is bold, radical and I am confident it sets out the framework for us to ensure the communities are at the heart of growth in the borough.

RECOMMENDATIONS

Recommendations for the Cabinet

That Cabinet:

1. Agree the Old Kent Road Area Action Plan: December 2020 Draft (Appendix A) for consultation.
2. Note the Consultation Plan (Appendix B), Consultation Report (Appendix C), Integrated Impact Assessment (Appendix D), Habitats Regulations Assessment (Appendix E), Equalities Impact Assessment (Appendix F) and Health Impact Assessment (Appendix G).

Recommendation for the Leader of the Council

3. Delegate authority to the Cabinet Member for Climate Emergency, Planning and Transport to approve any final minor adjustments to the presentation of the Area Action Plan for consultation purposes.

BACKGROUND INFORMATION

4. In December 2017 Cabinet resolved to consult on the revised draft Old Kent Road Area Action Plan (AAP) which sets out an ambitious growth strategy for Old Kent Road and the surrounding area which was designated as an opportunity area by the London Plan in 2015. Over the next 20 years the opportunity area will be transformed, including the provision of new underground stations as part of the Bakerloo Line Extension, 20,000 new homes, including 7,000 affordable homes (including 5,000 social rented homes) and 10,000 additional jobs. The AAP embeds the council's commitment to ensure that the plan has a people focus to put local residents, communities and others at the heart of the regeneration. The AAP is planned to be family friendly, with a strong commitment to improving the area for families and young people. It contains a strong commitment to tackling the climate emergency including achieving a net zero AAP by 2030. Old Kent Road itself will be improved with a strategy for healthy streets, including safer crossing points, segregated bus lanes and cycle lanes and more tree planting. Extensive consultation has taken place on previous drafts of the plan over the last four years.
5. Once adopted, the AAP will form part of Southwark's Local Plan and be used alongside the New Southwark Plan to determine planning applications and focus investment. It will

also be endorsed by the Mayor of London as an Opportunity Area Planning Framework document. As a part of Southwark's Local Plan it is required to be consistent with the borough-wide New Southwark Plan and must be in general conformity with the London Plan.

6. The New Southwark Plan has been submitted to the Secretary of State and independent Inspectors have been appointed to examine the plan (examination expected early 2021). These policies apply to development in Old Kent Road. The New Southwark Plan sets out a vision for the Borough, policies and site allocations. The AAP sets out further detail with additional policies and a masterplan with specific land uses and place making of areas that will change along with improvements to transport and the entire AAP area.
7. One of the key drivers for change in the Old Kent Road area is the delivery of the Bakerloo Line Extension and improvements to surface transport on Old Kent Road itself. TfL consulted on BLE station and shaft locations from Elephant and Castle to Lewisham with 4 options for stations along Old Kent Road in 2017. The council responded in support of the scheme and have been actively campaigning along with Lewisham Council to Back the Bakerloo. The council requested three stations along Old Kent Road, including one at Bricklayers Arms. In 2020, TfL launched another consultation which included the TfL preferred option location of two stations on Old Kent Road (at the Tesco and former Toy "R Us sites). The consultation included the following proposals:
 - A new integrated station entrance at Elephant & Castle
 - The route of the proposed tunnels from Lambeth North to Elephant & Castle
 - The route of the proposed tunnels from Elephant & Castle to Lewisham
 - The location of the primary and secondary tunnelling worksites for the scheme
 - The naming of the two proposed stations on Old Kent Road
 - A possible further extension of the route from Lewisham to Hayes and Beckenham Junction, involving a conversion of the National Rail line.
8. The council is waiting for the outcome of the consultation. As a result of COVID-19, funding for the project may be delayed. This does not deflect either from the overwhelming case for extending the Bakerloo Line along Old Kent Road to Lewisham and Hayes nor the progress on the immediate work to move the project forward. This includes safeguarding the station sites and route, developing the overall design, and drawing up a business plan for future government funding. The Bakerloo Line Extension will deliver an essential piece of infrastructure for London's recovery from COVID-19. It is vital that the government works with TfL to agree a longer term funding package so that the thousands of new homes and jobs which the project is set to bring are not put at risk.
9. Upon completing the strategic surface transport study and the plan for Healthy Streets, TfL is also investigating and modelling the options considered in the study. The potential station locations and surface transport improvements are an important part of the plan and will inform the final version prior to formal examination. We are working with TfL to ensure the key improvements to the A2 (Old Kent Road) will be delivered including segregated bus and cycle lanes, safer and additional pedestrian crossings, more tree planting, landscaping, wider pavements and an effective ground floor strategy.
10. Since the previous draft and following extensive consultation, nearly 8,000 homes have been granted on site allocations in the plan, in accordance with the draft masterplan. The masterplan has been updated in this version of the plan to take into account changes as a result of consultation with the local community.

CONSULTATION

11. Consultation on the draft AAP is being carried out in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended). The council received 750 responses from consultation on the 2017 draft and received feedback from 35 consultation events. This 2020 draft of the plan is intended to encompass the council's response to extensive consultation and provide the opportunity for further engagement and comment on the progress of the plan before the formal submission version. This is set out in the consultation plan. We published the engagement summary 'You Said/We Did' document in 2019 detailing feedback we received and the changes we committed to making. We also published the Old Kent Road Social Regeneration Charter which contained 10 promises. The revised AAP delivers on these promises.

KEY ISSUES FOR CONSIDERATION

12. The draft AAP is an ambitious plan for the regeneration of Old Kent Road and the surrounding area. It provides more detail to the New Southwark Plan vision and policies to manage change over the next 20 years.
13. The plan objectives are:

1) ENERGY AND CLIMATE CHANGE

- Address the Climate Emergency by achieving a net zero carbon Old Kent Road AAP by 2030
- Create low carbon jobs and businesses, and support existing individuals and business owners to move towards zero carbon
- Reduce carbon emissions from vehicles by requiring car free development, reducing the number of trips and encouraging walking and cycling
- Encourage waste reduction and reuse where possible
- Provide infrastructure and work with infrastructure providers of transport, energy and other utilities to enable reduction in carbon
- Introduction of the Urban Greening Factor.

2) YOUTH

- Deliver a state of the art youth facility in line with the council's vision as set out in our Youth Strategy
- Ensure every child has a safe and positive experience of growing up in Old Kent Road, making the area the first choice for parents and carers to bring up their children
- Provide inclusive access to social and physical infrastructure, including access to cultural activities, parks and open spaces, libraries, and new youth facilities
- Create a "virtual" youth super hub through a new network of youth facilities at 231 Old Kent Road, Frensham Street Park and the Tustin Estate. These will be delivered and managed jointly maximising access to the widest variety of shared facilities and resources equitably across the plan area.

3) NEW HOMES

- Build 20,000 new homes
- At least 7,000 of these new homes will be affordable including at least 5,000 social rented homes
- Provide a mix of home sizes with housing suitable for every stage of life
- Provide a mix of home types primarily flats but including terraced houses delivered in high density, mixed use neighbourhoods

- 50% of new council homes will be let to local residents.

4) BAKERLOO LINE EXTENSION

- Extend the Bakerloo Line and deliver two new stations along Old Kent Road

5) EMPLOYMENT, JOBS AND BUSINESS

- Double the number of jobs from approximately 10,000 to 20,000
- Increase the range of jobs by providing different types and sizes of employment space from laptops to forklifts including light industrial, maker spaces, warehousing and distribution, offices, workspaces, retail, leisure and entertainment facilities
- Provide local jobs and skills training for young people
- Sustain the employment networks and ecosystems which help to make Old Kent Road successful
- Provide new employment space mixed with residential in innovatively designed buildings

6) TOWN CENTRE, LEISURE AND ENTERTAINMENT

- Create two new district town centres which promote a sense of community and prevents loneliness and social isolation
- Provide a variety of shops and facilities including local independent shops and large stores such as supermarkets, homeware and hardware available on the high street
- Deliver exciting new activities in leisure, entertainment, recreation and play in the town centre for local people of all ages to get out and have fun in the day and night time

7) PARKS AND OPEN SPACE

- Increase the public open space provision to 30ha and plant 3000 new trees
- Create four new major parks: Mandela Way Park, Livesey Park (at the old gasworks), Surrey Canal Park and Frensham Street Park, which will connect existing and new neighbourhoods and help deliver the Greener Belt
- Create new neighbourhood green links and spaces between these new parks, the stations and busy places linking to established residential neighbourhoods
- Create smaller pocket parks, courtyard spaces, rain gardens and community gardens throughout the area

8) EDUCATION AND SCHOOLS

- Expand existing primary schools to provide up to nine additional forms of entry, one new secondary school and two new primary schools providing high quality learning, play, sports, arts facilities, open and inclusive for the pupils and wider community
- Promote the co-location of nurseries and older people's accommodation for intergenerational learning and health
- Deliver a network of arts and cultural spaces which will provide a foundation for the local community, as individuals or groups, young and old, to explore and engage in continuous learning.

9) CULTURE AND HERITAGE

- Strengthen the identity of Old Kent Road as a cultural destination, attracting new creative enterprises, a university and a major cultural attraction
- Integrate Old Kent Road's historic and valued character into new development, celebrating its industrial past and present

- Protect and enhance listed and non-listed heritage assets and buildings and spaces of townscape and heritage value and find new uses for old buildings.

10) HEALTH AND WELLBEING

- Reduce air pollution to improve the health and wellbeing of our residents
- Build a new community health hub providing a focus for improving health and promoting healthy active lifestyles
- Build new health facilities which are integrated with other community services such as the new four court indoor sports hall
- Encourage residents to lead healthy and active lives by improving access to cycling and walking routes.

11) CLEANER, GREENER, SAFER

- Address the biodiversity crisis by promoting planting, food growing and greening
- Promote retrofitting of existing buildings to generate energy on site, conserve energy and improve circulation, heating and efficiency
- Improve air quality in and around Old Kent Road
- Tackle inequalities associated with air quality, movement, access to open space and ability to respond to the Climate Emergency.

12) MOVEMENT

- Make the whole of Old Kent Road an exemplary Healthy Street, where people can choose to safely walk, cycle and use public transport by providing sufficient footway widths and segregating bus and cycle lanes
- Implement a Controlled Parking Zone across the whole of the Opportunity Area and create low traffic neighbourhoods around local roads
- Provide access to sustainable methods of transport such as on street E-charging points, cycle hire docking stations and scooter parking
- New residential development will have zero car parking. New commercial development will need to commit to the use of electric vehicles. TfL will be encouraged to have a low emission bus fleet and schools will be located away from main roads.

13) CONNECTING COMMUNITIES

- Ensure all our residents, and particularly existing residents, can access the benefits of our regeneration programmes and the opportunities created by those programmes for new homes, new jobs, new healthcare, new education facilities and new infrastructure
- Ensure that our existing residents and neighbourhoods prosper from growth through giving people from every community the opportunity to get their voices heard from the earliest point and when decisions are made
- Provide targeted support in regeneration areas for all communities and particularly the disadvantaged, involving all of our services, partners and community based activities.

14. The main changes to the plan since previous consultation versions include:

Connecting communities

15. The AAP embeds the council's commitment to ensure that the plan has a people focus to put local residents, communities and others at the heart of the regeneration. This theme has been updated throughout the document, including in the vision, strategic policies and objectives of the plan. In the sub areas we have introduced a special section on

'Connecting Communities' and engagement with local residents and businesses features throughout the plan. The plan continues to promote a healthier environment and transport improvements including the Bakerloo Line Extension, limitations on car parking, reduced air pollution and sustainability improvements for water, drainage and energy.

16. Significant benefits for local residents such as affordable homes, creation of local jobs, new parks and allotments, new health and leisure facilities including potential for the co-location of sports and leisure within new schools, and improved shops and town centre services.

Climate Emergency

17. The AAP includes a new policy at the forefront of the plan (Policy AAP3) to make the Old Kent Road a carbon neutral AAP. The Climate Emergency policy introduces measures that helps to achieve the council's commitment to be net zero carbon by 2030 including Urban Greening Factor to further steer biodiversity in new development. A map of the District Heat Network has been added with additional information about how that will be delivered based on the business case and feasibility study worked up over the last two years.

Housing

18. The commitment in Policy AAP4 remains for at least 35% of new homes to be affordable (7,000 out of 20,000 new homes). The Old Kent Road opportunity area overall is achieving the highest average % delivery in London at 38% affordable homes with approvals to date. The AAP strengthens the council's commitments to deliver larger family homes (4 bedrooms) in social rented homes and provide smaller social rented homes for older people. 50% of new council homes will be let to local residents.

Commitment to the Bakerloo Line Extension

19. The AAP continues to deliver a strong message on the need and benefits of the BLE (Policy AAP2). The plan includes the phasing approach of 9,500 homes to be approved before the letting of the construction contract of the BLE and the remaining 10,500 to be approved with a Grampian condition subject to the delivery of the BLE.

Youth, education and healthcare

20. The AAP includes a bespoke new youth policy (Policy AAP14) to address feedback to plan for the future of young people, and the importance of this is reflected through the vision and strategy. We will deliver a state of the art youth facility in line with the council's vision as set out in our Youth Strategy. The community hub at 231 Old Kent Road is being incorporated into the council's Youth Strategy as a key deliverable, along with new youth facilities at Frensham Street and the Tustin Estate. The plan continues to commit to responding to the needs for new school and health facilities including delivery of 9 forms of entry through expansions to existing primary schools around the Old Kent Road area and the delivery of 2 new 2/3FE primary schools on sites at Mandela Way and the Sandgate Street site to be delivered later in the plan period. The masterplan includes plans for a 6-8FE secondary school on council owned land at Sandgate Street. The plan also identifies the potential to establish further education in the opportunity area and attract a higher education institution. The plan includes the delivery of a new health hub to serve Old Kent Road, Canada Water and Bermondsey at the doctor's surgery on Verney Road, which is owned by the council.

Heritage

21. The AAP includes the proposed 5 new conservation areas and identifies all the listed buildings and identifies all locally important buildings which will be retained.

Town centre and businesses

22. The AAP commits to achieving double the number of jobs, no net loss of industrial floorspace and continues the commitment for specific mixed use industrial typologies and affordable workspace (Policy AAP5). The masterplan for South Bermondsey industrial intensification has been included at sub area 5. There are now two district town centres, and commitments in relation to a revitalised high street, a new green deal for jobs and achieving the 15 minute city concept. The AAP includes a new ground floor strategy policy (Policy AAP6) and high street character section explaining the changes to the high street in the sub areas.

High street strategy

23. The high street strategy sections set out how we will change Old Kent Road from a place to pass through, to a high street at the heart of the community. This includes how we will deliver a mix of uses that will ensure a vibrant retail and leisure economy, and how we will design ground floor shops units and the street spaces to create a welcoming and pedestrian friendly high street environment, integrating new development with the old.

Tall buildings

24. The AAP tall buildings strategy, “ the stations and the crossings” has been amended so that a “Tier One” (the tallest) buildings are categorised as over 20 storeys (revised from over 30 storeys), and “Tier Two” buildings are categorised as between 16 and 20 storeys (revised from between 16 and 25 storeys). “Tier Three” has been revised from up to 16 storeys to up to 15 storeys. The policy has been updated to ensure that the design of tall buildings that are over 20 storeys demonstrate that they make an exceptional contribution to the regeneration of the area and deliver our vision for a people centred and family friendly Old Kent Road.

Parks

25. The AAP masterplan shows an increase in the amount of park space, specifically around the gasholder (Livesey Park) (incorporating land from National Grid Gas and National Grid Electricity) and a new park at the council depot on Frensham Street. The masterplan also shows the closure of part of Verney Road to accommodate the Surrey Canal Park with access and servicing moved to within the site. A new park space has been created at the car park to the rear of the Tesco petrol station. The AAP commits to doubling the open space in the area to 30ha by 2045. There is potential for a new 1ha park space at Bricklayers Arms through conversion of the flyover to an elevated park space. The council have commissioned a specialist air quality study which is ongoing to inform the delivery and monitoring of the AAP objectives in relation to air pollution.

BEFORE

AFTER



*Car park north of Tesco (above)
Frensham Street Park (below)*

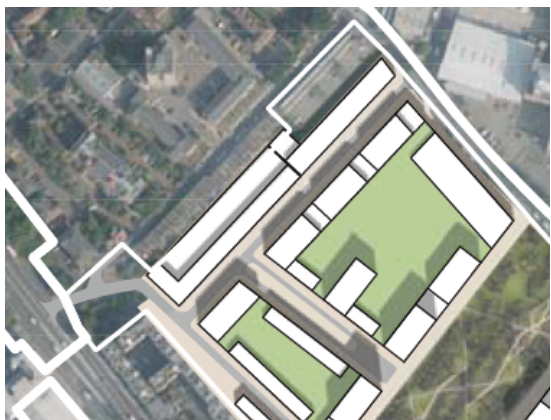


Livesey Park and Verney Road closure

Page's Walk

26. The masterplan shows three storey townhouses with back gardens, instead of commercial buildings behind the back gardens of residents on Page's Walk, following their feedback.

BEFORE

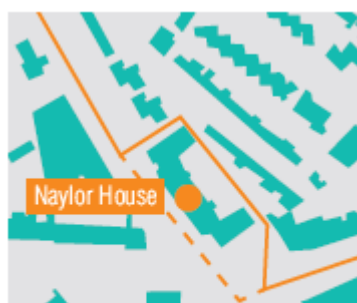


AFTER



Naylor House

27. Naylor House was removed from the Opportunity Area boundary following feedback from its residents.



- Proposed opportunity area boundary
- - Existing opportunity area boundary

Next Steps

28. The council will consult on the 2020 draft of the AAP between 11 January 2021 and 5 April 2021. The plan will be available online following the Cabinet meeting and digital methods of communication will be engaged. The consultation plan (Appendix B) sets out the scope of consultation that will be carried out along with key events and methods of engagement.
29. The council will consider all responses received to the consultation and prepare a Proposed Submission version of the plan in 2021 which will follow the Examination in Public of the New Southwark Plan. Representations will be invited on the proposed final plan and subsequently the AAP will be submitted to the Secretary of State in 2021. The adoption of the AAP is expected in 2022.

Community impact statement

30. The AAP has the aim of promoting regeneration that benefits existing communities in Southwark and provides new and improved facilities for residents, businesses and accommodates much needed growth in housing and transport infrastructure. In preparing the draft AAP the council has completed an integrated impact assessment (Appendix D). This assessment found that the AAP/OAPF has strong objectives for improving the quality of the environment in the opportunity area including fostering community cohesion, improving health and equal opportunities for all. Policies reflect the aim of achieving revitalised neighbourhoods with new community facilities, healthcare, education, cultural, business, leisure and arts space. The AAP provides many opportunities to replace, enhance and expand community, business and cultural functions, which will be an integral part of the place-making strategy. The implementation of the AAP will ensure high quality development is delivered across the opportunity area, encouraging sites to consider wider considerations to achieve the aspirations of the plan, including new green spaces, improved transport infrastructure, connecting routes and high quality new buildings.

Financial implications

31. There are no immediate financial implications arising from the proposed consultation on the 2020 draft of the AAP. Any potential additional costs from any specific proposals emerging from the preparation and adoption of the plan or any queries thereof will be submitted as separate reports for consideration in line with the appropriate protocols.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

28. Area Action Plans (AAPs) are local development documents under the legislative framework established under the Planning and Compulsory Act 2004 ('the 2004 Act'). Regulation 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') provides that any document which (i) relates only to part of the area of the local planning authority; (ii) identifies that area as an area of significant change or special conservation; and (iii) contains the local planning authority's policies in relation to the area, is a local plan. As part of the Local Plan for Southwark, the AAP, once adopted, will be used to make planning decisions on development proposals submitted to the council.
29. A detailed statutory procedure for the adoption of local plan documents is set out in Part 6 of the Regulations including preparation and publication of a local plan, the consideration of consultation responses and the requirement for conformity with the London Plan. Section 19(3) of the 2004 Act requires that, in preparing local development documents, the local planning authority must comply with their statement of community involvement (SCI) and this report confirms that there will be compliance with the consultation period referred to in the SCI, which is itself a statutory document. The Consultation Plan which accompanies this report sets out both the statutory minimum requirements for consultation in the Regulations and the extended proposals in the SCI.
30. Ultimately, the AAP will be submitted to the Secretary of State and will be subject to independent examination, as will be outlined in further reports as the statutory process progresses.

- 31 This report is accompanied by a Consultation Plan, Consultation Report, Integrated Impact Assessment, Habitats Regulations Assessment, Equalities Impact Assessment and a Health Impact Assessment.
- 32 Section 19(5) of the 2004 Act requires a sustainability appraisal of the proposals in each development plan document such as the AAP and the Regulations prescribe that the sustainability appraisal report must be submitted to the Secretary of State as part of the adoption process. The purpose of the Sustainability Appraisal is to promote sustainable development by integrating sustainability considerations into plans. By testing each plan policy against sustainability objectives, the Sustainability Appraisal process assesses and reports the likely significant effects of the plan policies and the opportunities for improving social, environmental and economic conditions by implementing the plan.
- 33 Sustainability Appraisals are also required to satisfy the European Directive 2001/42/EC. The Directive requires a formal Strategic Environmental Assessment (SEA) of certain plans and programmes that are likely to have significant effects on the environment. The SEA was transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004. SEA is focused primarily on environmental effects, whereas Sustainability Appraisals go further by examining all the sustainability related effects of plans, whether they are social, environmental or economic. The process for undertaking a SA is conducted in accordance with the requirements of the SEA Directive. The sustainability aspects of the plan are considered in the Integrated Impact Assessment.
- 34 The council is also required by UK law to pay due regard to advancing equality, fostering good relations and eliminating discrimination for people sharing certain protected characteristics, as set out in the Public Sector Equalities Duty (2011) (under section 149 of the Equalities Act 2010). The council carries out Equalities Analysis (EqIA) of its plans, decisions and programmes to consider the potential impact (positive and negative) of proposals on the key 'protected characteristics' in the Equality Act 2010 and with regard to the Human Rights Act 1998.
- 35 Health Impact Assessment (HIA) is a combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of these effects within the population. While a HIA is not required by law it is considered good practice, particularly since responsibility for managing the health of populations was transferred from national government to local authorities following the Health and Social Care Act 2012.
- 36 Part 3B of the Cabinet Role and Functions of the Southwark Constitution provides that the Cabinet Member for Climate Emergency, Planning and Transport has particular responsibility for the development of Area Action Plans, including Old Kent Road (working with the Cabinet Member for Communities and Equalities).
- 37 Part 3F of the Constitution provides that it is function of planning committee to comment on local development framework documents in respect of all significant planning matters and to make recommendations to cabinet.
- 38 Part 3C of the Constitution provides that approval of proposals and plans contained in the council's policy framework are reserved to full cabinet.
- 39 Part 3A of Southwark's Constitution provides that it is the Council Assembly that must agree the policy framework including development plan documents.

Strategic Director of Finance and Governance (FC20/020)

32. This report is requesting cabinet to agree the Old Kent Road Area Action Plan: December 2020 Draft (Appendix A) for consultation and note the Consultation Plan (Appendix B), Consultation Report (Appendix C), Integrated Impact Assessment (Appendix D), Habitats Regulations Assessment (Appendix E), Equalities Impact Assessment (Appendix F) and Health Impact Assessment (Appendix G).
33. The strategic director of finance and governance notes that there are no immediate financial implications arising from this report and any costs from specific proposals emerging from the adopted plan would be subject to separate report for formal approval.
34. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Plan 2016	Southwark Council 5 th Floor Hub 2 160 Tooley Street London SE1 2QH	planningpolicy@southwark.gov.uk
Web link: http://www.london.gov.uk/priorities/planning/londonplan		
Southwark Statement of Community Involvement 2008	Southwark Council 5 th Floor Hub 2 160 Tooley Street London SE1 2QH	planningpolicy@southwark.gov.uk
Web link (please copy and paste into browser): http://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/consultation-and-updates/statement-of-community-involvement		
Saved Southwark Plan 2010	Southwark Council 5 th Floor Hub 2 160 Tooley Street London SE1 2QH	planningpolicy@southwark.gov.uk
Web link (please copy and paste into browser): https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/local-plan		
The Core Strategy 2011	Southwark Council 5 th Floor Hub 2 160 Tooley Street London SE1 2QH	planningpolicy@southwark.gov.uk
Web link (please copy and paste into browser): https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/local-plan?chapter=2		

Background Papers	Held At	Contact
National Planning Policy Framework	Southwark Council 5 th Floor Hub 2 160 Tooley Street London SE1 2QH	planningpolicy@southwark.gov.uk
Web link: https://www.gov.uk/government/publications/national-planning-policy-framework--2		
New Southwark Plan Council's Proposed Changes to the submission version Aug 2020	Southwark Council 5 th Floor Hub 2 160 Tooley Street London SE1 2QH	planningpolicy@southwark.gov.uk
Web link: https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/new-southwark-plan?chapter=4		
Old Kent Road AAP Preferred Option 2017	Southwark Council 5 th Floor Hub 2 160 Tooley Street London SE1 2QH	planningpolicy@southwark.gov.uk
Web link (please copy and paste into browser): https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/area-action-plans-section/old-kent-road-aap/current-and-previous-versions-of-okr-aap?chapter=4		
Old Kent Road regeneration website	Southwark Council 5 th Floor Hub 2 160 Tooley Street London SE1 2QH	planningpolicy@southwark.gov.uk
Web link: https://oldkentroad.org.uk/		

APPENDICES

No.	Title
All these appendices are available online on the following web link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6664&Ver=4	
Appendix A	Old Kent Road AAP December 2020 draft
Appendix B	Consultation Plan
Appendix C	Consultation Report
Appendix D	Integrated Impact Assessment (circulated separately)
Appendix E	Habitat Regulations Assessment (circulated separately)
Appendix F	Equalities Impact Assessment (circulated separately)
Appendix G	Health Impact Assessment (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Johnson Situ, Climate Emergency, Planning and Transport	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Juliet Seymour, Planning Policy Manager Laura Hills, Planning Policy Team Leader	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	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	26 November 2020	

Item No. 13.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Community Investment Plans – Allocation of local CIL Southwark	
Ward(s) or groups affected:		Borough and Bankside, Chaucer, Dulwich Wood, London Bridge and West Bermondsey, North Bermondsey, North Walworth, Nunhead and Queen’s Road, Peckham, Peckham Rye, Rotherhithe, St George’s, and Surrey Quays	
Cabinet Member:		Councillor Alice Macdonald, Communities & Equalities	

FOREWORD – COUNCILLOR ALICE MACDONALD, CABINET MEMBER FOR COMMUNITIES & EQUALITIES

In Southwark we are committed to ensure that regeneration works for all and that our neighbourhoods thrive. The Community Infrastructure Levy, a levy raised on development schemes, is just one of the ways in which developments can benefit the local community and one of the ways in which developers can give-back to the community - especially to those who've been impacted by the building works.

Southwark has raised roughly £23m in CIL since 2015. 25 per cent of this - almost £6m - has been designated as local.

I am pleased to bring forward this first set of community investment plans for approval which have been shaped by our communities. In March we launched an online consultation which generated over 1000 project suggestions from residents. These were then considered by ward councillors. Projects selected by ward councillors are those which are considered to have the most strategic benefit for the whole ward, or alternatively which meet a specific ward issue which councillors for that ward identified as a priority. The proposals presented in these plans range from improvements to parks, the public realm and community buildings and I am sure will bring significant benefits to our residents.

The second set of community investment plans will be presented to cabinet for approval in January. Following this a review of local CIL will be carried out to ensure it continues to meet the needs of residents.

I therefore request that cabinet approve the Community Investment Plans for Borough and Bankside, Chaucer, Dulwich Wood, London Bridge and West

Bermondsey, North Bermondsey, North Walworth, Nunhead and Queen's Road, Peckham, Peckham Rye, Rotherhithe, St George's, and Surrey Quays.

RECOMMENDATIONS

1. That cabinet approve the Community Investment Plans for Borough and Bankside, Chaucer, Dulwich Wood, London Bridge and West Bermondsey, North Bermondsey, North Walworth, Nunhead and Queen's Road, Peckham, Peckham Rye, Rotherhithe, St George's, and Surrey Quays.
2. That Cabinet notes that a follow up report with all remaining wards will be submitted to Cabinet in January 2021 including Camberwell Green, Champion Hill, Dulwich Hill, Dulwich Village, Faraday, Goose Green Newington, Old Kent Road, Peckham, Rye Lane, South Bermondsey, and St Giles.
3. That Cabinet notes that a further report will be submitted to Cabinet within 6 months to reflect on lessons learned from the process to develop Community Investment Plans with recommendations for the future.

BACKGROUND INFORMATION

Community Infrastructure Levy

4. Community Infrastructure Levy (CIL) is the sum of funding collected from major development sites across the Borough to pay for the implementation of new infrastructure to support the growth of communities. CIL is split into strategic CIL (75% of all payments) which is spent on Borough-wide infrastructure projects such as the construction of new tube stations, and local or neighbourhood CIL (25% of all payments). Southwark has raised roughly £23m in CIL since 2015. 25 per cent of this - almost £6m - has been designated as local CIL.
5. CIL is used to mitigate the impact of new development and an uplift in population on a local area, and is a key tool to manage growth. CIL can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities as set out in section 216(2) of the Planning Act 2008, and regulation 59, as amended by the 2012 and 2013 CIL Regulations). This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives councils the opportunity to choose what infrastructure is needed to deliver their local plan. It should be noted that charging authorities may not use the levy to fund affordable housing.

6. Local authorities must spend the levy on infrastructure needed to support the development of their area. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.

Southwark Conversation

7. In 2017 the council undertook the biggest community engagement exercise of recent times, the Southwark Conversation, the outcomes of which are shaping plans for place-making and improving overall well-being. This has been followed by the *Southwark Approach to Community Engagement* which set out the council's vision and principles for engagement and was adopted by Cabinet in April 2019, with further developments to be made over the summer. As the borough grows and changes, the council's aim is to make sure that our communities have the opportunity to take part in the decisions which affect their lives and communities

Social Regeneration Charters

8. On 22 January 2019 the Council's Cabinet agreed a framework called "Regeneration that works for all" which set out a vision for delivering a series of social regeneration charters across the Borough linked to a series of indicators which would track change over time.
9. In addition to a social regeneration charter for each area of the Borough, a new approach to creating a Development Consultation Charter for each major development was approved by Cabinet in April 2019. This Charter forms part of the Statement of Community Involvement which sets out how we consult on planning and is an agreed way of working with developers and the community. The Charter requires the submission of an Engagement Plan, describing what the developer will do to involve those affected by their proposals as part of the validation stage of submitting their planning application at pre-application stage. The summary of the activity and the outcomes of local engagement will be a validation requirement for any planning application, and is expected to set out how the community has shaped the proposed development and where it was not possible to provide evidence, a justification for this reasoning.

Cabinet and Scrutiny Decisions on Local CIL

10. The foundations for this report are based on two previous Cabinet reports, and a set of scrutiny committee recommendations. A report was taken to cabinet on the 11 December 2018 putting forward a proposal to allocate the funding collected to the end of financial year 2017-18 and approve the allocation of the released funding to the priority projects put forward by the relevant community council meeting (now replaced by ward meetings).

The report also included an agreement on pre allocations of funds to specific projects, some of which have now been successfully delivered as such as the improvements to Surrey Quays Farm.

11. The overview and scrutiny committee called in the December 2018 cabinet report on 21 January 2019 and recommended that lists of CIL projects are checked with community councils to identify potential discrepancies, that the requirements for projects eligible for neighbourhood CIL funding to be on the council plan or included in the capital programme be abolished. The committee determined that CIL is intended to mitigate the impact of development at a very local level by addressing locally identified needs and that the neighbourhood portion of CIL should be spent in the ward or locality in which it has been collected, to ensure that the effects of development are mitigated where development has taken place.
12. A second follow up cabinet report on 18 June 2019 set out that local CIL would be allocated by developing local Community Infrastructure Plans (CIPs) to ensure that local CIL supports growth and tackles inequalities. CIPs will contain four strategic priorities, three of these will come from the social regeneration charters and each ward area will develop an additional theme to guide key areas of need within the ward(s) The plan would be refreshed every three years and applications will be submitted and matched against the following suggested criteria:
 - Meets one of the proposed themes of the community investment plan
 - Is a one-off scheme that does not require additional revenue funding from the council in its delivery or subsequent operation.
 - Relates to a council plan commitment
 - Identifies how any revenue funding will be generated– offering value for money
 - They should address the impact of new development
 - Should explain who will benefit the local community and how it tackles inequalities.
13. A clear policy set out in the June 2019 report was to impose a cap on the amount of CIL that each ward could spend. The cap would be applied where any ward maintains an average of over £250,000 per annum in any three year rolling period (maximum £750,000 for three years). When the local CIL exceeds the cap, the proposed allocation of “the excess” would be discussed between wards within the Opportunity Area, Area Action Plan Area or Neighbourhood Plan Area that it was generated. Where no such plan exists the discussion would be between adjacent wards. Any proposed reallocation should be presented to cabinet for approval. In this report the only ward where expenditure over £750,000 is proposed is Borough and Bankside, and clear partnership working is shown with St George’s Ward to agree strategic projects which could benefit both wards.

Implementation of CIL

14. In order to maximise community involvement in the process of creating a CIP for each ward, the council launched a consultation exercise across each of the 23 wards between 10th March and 30th April to collect as many ideas as possible for consideration by ward councillors. A tool called “Commonplace” was launched on the 10th March with a web page for each ward detailing their social regeneration priorities and including an estimate of the CIL available at that point in time., The Commonplace digital engagement platform takes the form of an online map onto which members of the community can insert a pin to describe the local infrastructure project they would like to see delivered, along with a short description, approximate budget, indication of community support, and reference to the themes which the project would benefit. The council issued guidance on the Commonplace website which set out clear eligibility guidance (to mirror the criteria from the June 2019 Cabinet report above) and noted that project proposals would need to meet the assessment criteria set out below.

- Meet one of the four social regeneration themes for the ward (these can be found on the page for each ward)
- Relate to a commitment in Southwark’s Council Plan
- Just need a one-off sum of money to get started (and not require additional funding from the council in future)
- Identify how any revenue funding will be generated and offer value for money
- Mitigate the impact of new development
- Benefit the local community and tackles inequalities
- Have a realistic chance of being completed and paid for by the end of 2023.

Response to community engagement

15. As the Covid-19 crisis arose during the consultation process, the deadline was extended to 31 May, with clear communication across all council channels. The commonplace exercise successfully obtained more than 1000 project ideas across the Borough. Since the close of consultation, a team of local CIL officers have been evaluating proposals against the criteria set out above through consultation with the relevant council departments affected by each of the proposals before organizing workshops with local ward councillors to agree a shortlist of priority projects to form the basis of each ward CIP.

16. The council received a huge range in the scale of projects from micro-scale street interventions to proposals which would have a ward level impact. As set out in the selection criteria on the Commonplace website and summarised above, the emphasis is on selecting strategic projects which could potentially benefit residents and businesses *from across the*

ward, providing or improving a community facility, cultural or heritage amenity, or improving a key route which connects to transport or community amenities. The council has a successful small scale neighbourhood funding programme called Cleaner, Greener, Safer, and the aim is not replicate the aims of this existing funding stream. The clear example of a precedent given during the marketing of the consultation was the Surrey Docks Farm project, where significant CIL funding was pooled to deliver a project which has a ward level impact, and in this case a Southwark and London-wide affect. Projects selected by ward councillors are those which are considered to have the most strategic benefit for the whole ward, or alternatively which meet a specific ward issue which councilors for that ward identified as their fourth social regeneration criteria.

KEY ISSUES FOR CONSIDERATION

Community Infrastructure Plans

17. Appendix 3 sets out the CIP for each ward with tables setting out the projects which have been prioritized for funding using the available local CIL now. The CIP's also include projects which have been shortlisted should additional CIL become available in the future. A review of the approach to the allocation of CIL is recommended in this report and this will have regard to the non-funded projects in CIP's. Where appropriate projects previously agreed by cabinet have been incorporated into the CIPs.
18. For those projects which have been identified for delivery now using the funds available, local CIL officers will contact the project supporters and community groups to develop feasibility and identify the most practical route to delivery. In some cases specific council departments will be engaged to deliver projects. In other cases where a registered charity exists with adequate capacity to deliver a project, such as improvements to community building, it might be more appropriate to enter into a funding agreement with the relevant community organisation to enable them to deliver the project.
19. Inevitably given the scale of the response, many projects have not been successful in forming part of the CIP at this stage. Given the scale of the consultation response (1000+ ideas), the limited information received for each project, and the capacity of CIL officers, it has not been possible to provide feedback for every one of the 1000+ projects. By way of feedback, the most common reasons that projects could not be taken forward at this stage include the following:
 - Projects which do not have a ward level impact
 - Projects with funding identified already from other sources – many projects form part of development proposals where a developer has

committed to deliver in future.

- Insufficient location information – some ideas were very general without a clear indication of where the intervention could be made
 - Revenue dependent – CIL is a one-off sum of money for infrastructure and many ideas require additional funding in future without clear source
 - On land or buildings which are not publicly owned with no clear strategy for being able obtain permission for use
 - Projects which have not “been done previously” by the council and or it’s partners
 - Projects which conflict with another council policy or CIL regulations.
20. In general the projects selected by Wards as priorities for funding are focused on investment in local infrastructure such as parks, public space, public realm and community buildings. The North Walworth CIP is an exception in that it prioritises investment in door security systems which were suggested by residents as a means of tackling anti-social behavior that they are experiencing. The projects identified for funding reflect the decision to select “preventing crime and anti-social behaviour” as their specific ward theme.
21. The March 2020 launch is the first time that the council has initiated a community engagement process to allocate Local CIL. There are inevitably lessons to be learnt from this exercise. It is therefore recommended that officers bring a report to cabinet within 6 months to reflect on lessons learned from the process to develop Community Investment Plans with recommendations for the future.

Resource implications

22. The June 2019 cabinet report set out the information that existed at that time on the CIL available at a ward level. This information was based on the pre 2018 Ward boundaries. A further update on the funding at ward level was included in the public launch of the Commonplace website in March 2020 and this is set out in Appendix 1. This information was based on the post 2018 ward boundaries. Appendix 2 sets out the previous projects prioritized for CIL expenditure in the June 2019 Cabinet report with an update on project progress.
23. Individual Ward CIPs include projects which have been identified as priorities for funding using available CIL (as of march 2020) but also schemes which could be delivered in the future when further CIL is received by the council. It should be noted that the sums allocated now are estimated based on initial evaluation. These indicative budgets have been informed by the council’s experience of delivering similar projects. In some cases further feasibility work will be required to define project scope, identify costs/risks and fix budgets.

24. There will be various potential routes to delivering projects depending on the nature of the proposals. Most projects involve council assets (parks, highways, public realm, community buildings) and relevant council departments will be responsible for working with the community to develop proposals through concept to detailed design and implementation stages.
25. The sums involved in individual projects mean that the award of contracts can be undertaken within the scheme of officer delegation. Project implementation will continue to be carried out in accordance with council standing orders. Where contract sums require it Gateway procurement procedures will be followed. These processes will ensure that CIL expenditure can be financially monitored, that there continues to be probity in the use of public funds and that value for money can be demonstrated.
26. Where a formally constituted local partner organisation exists which is capable of delivering the scale and type of the project proposal identified, then the council would contract with them through a legal agreement which would establish the terms for the use of CIL for that project. This approach was used to successfully deliver the Surrey Docks farm project where match funding was also levered into help fund the scheme.
27. Project priorities identified in CIP's are capital projects. On-going maintenance costs arising from these projects are expected to be contained within existing budgets. The decision to allocate funding in North Walworth to door entry systems is an exception in that the maintenance of these projects will create an additional revenue cost for the HRA. Where such schemes are proposed the Housing department ballot residents in advance to establish support for them as typically these schemes will result in a £2 a week increase for tenants and leaseholders. The precise increase will depend on the nature of the scheme and installation costs. Without these additional charges schemes cannot go ahead as there are insufficient funds in the HRA to maintain the systems that are to be installed.
28. The delivery of schemes will be undertaken by a number of council departments (for example teams within Regeneration, Environment & Leisure, and Housing) and this may have revenue implications for those service areas at a time when they are experiencing revenue constraints. It will therefore be necessary to manage competing project demands and agree which teams are best placed to undertake projects within established revenue budgets. This will be managed through Gateway procedures and inter departmental working arrangements.

Community impact statement/Equalities considerations

29. The Equality Act 2010 imposes a general equality duty on public authorities (the Public Sector

Equality Duty – PSED) in the exercise of their functions, to have due regard to the need to :

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

30. For the purposes of the PSED the following are “protected characteristic” considerations:

- Age
- Marriage and civil partnership
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

31. The purpose of this report is to set out how the communities in wards across the Borough will be able have positive experiences of living through the regeneration and the benefits that they will receive due to the developments that are going to take place. As part of the Commonplace consultation exercise, information was received as to the ethnicity, gender and age group of each applicant. An assessment was undertaken to ensure that those projects identified for funding now or in the future are able to benefit all members of the community and there is no potential for discrimination against any one group. The PSED duty and implications for groups with protected characteristics will be considered further as each of the projects are developed in more detail at review points.

32. As noted elsewhere in this report the project priorities in North Walworth will require further consultation with affected tenants/leaseholders before they can be implemented.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

33. The report seeks approval for the Community Investment Plans for a number of Wards within the Borough. The report outlines at paragraph 3 the intention of the Community Infrastructure Levy (“CIL”) and that it is used to mitigate the impact of new developments and needs to be spent on the infrastructure needed to support such developments.

34. The Government has issued guidance as to the types of expenditure which would be appropriate although this is perhaps less specific than might be hoped and has yet to be tested in the courts. Regulation 59(1), Community Infrastructure Regulations 2010 provides that: “A charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.”

The relevant definition of infrastructure is at s.216(2) of the Planning Act 2008: “infrastructure” includes:

- (a) roads and other transport facilities
- (b) flood defences
- (c) schools and other educational facilities
- (d) medical facilities
- (e) sporting and recreational facilities, and
- (f) open spaces

35. This is a broad definition as it is an inclusive list, and not exclusive. Affordable housing used to be included in this list but has since been removed as it was felt preferable to secure it through s.106 obligations, and therefore linking it to particular developments and encouraging mixed housing. The Planning Practice Guidance allows the levy to be used to fund a very broad range of facilities such as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development
36. The guidance therefore emphasises the broad definition of infrastructure, specifically mentions safety facilities and stresses the discretion afforded to local authorities. Therefore, it is considered that the Council may lawfully exercise its discretion to decide that expenditure on the projects outlined in Appendix 2 is an appropriate use of CIL.
37. As with every decision that the Council takes, it is imperative that the provisions of the Equality Act 2010 are considered. Paragraph 27 of the report states that the projects identified in Appendix 2 are for the benefit of all members of the community and it was considered that there was no potential for discrimination against any one group. It is noted that the Public Sector Equality Duty will continue to be considered as the project is developed.

Strategic Director of Finance and Governance (FC20/021)

38. The report is requesting cabinet to approve the Community Investment Plans for the wards mentioned in paragraph 1 and to note that a follow up report with all remaining wards mentioned in paragraph 2 will be submitted to Cabinet in January 2021 and to note that a further report will be submitted to Cabinet within 6 months to reflect on lessons learned from the process to develop Community Investment Plans with recommendations for the future. Full details and background are contained within the main body of the report.
39. The strategic director of finance and governance notes comments in the financial implications.
40. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet report 11 December 2018 and 18 June 2019	Council website	Dan Taylor 020 752 55450
The Overview and Scrutiny Committee report 21 January 2019		
Link: copy and paste into browser: http://moderngov.southwarksites.com/documents/s79148/Report%20Allocation%20of%20Local%20Community%20Infrastructure%20Levy%20funding.pdf		
Link: copy and paste into browser: http://moderngov.southwarksites.com/documents/s83264/Report%20Community%20investment%20plans%20-%20allocation%20of%20local%20CIL.pdf		

APPENDICES

No.	Title
Appendix 1	CIL accounts
Appendix 2	Previously agreed CIL projects
Appendix 3	Community Infrastructure plans

AUDIT TRAIL

Cabinet Member	Councillor Alice Macdonald, Communities and Equalities	
Lead Officer	Stephen Platts, Director of Regeneration	
Report Author	Dan Taylor, Programme Manager	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
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		26 November 2020

APPENDIX 1**CIL accounts**

Ward	CIL amount
Borough and Bankside and St George's	£1,426,118
Champion Hill, Camberwell and St Giles	£172,500
Chaucer	£541,500
Dulwich Hill	£37,000
Dulwich Village	£137,500
Dulwich Wood	£66,500
Faraday	£260,500
Goose Green	£106,500
London Bridge and West Bermondsey	£732,500
Newington	£250,000
North Bermondsey	£51,000
North Walworth	£750,000
Nunhead and Queen's Road	£88,500
Old Kent Road	£139,500
Peckham	£97,000
Peckham Rye	£12,383.97
Rotherhithe	£20,714
Rye Lane	£154,500
South Bermondsey	£134,000
Surrey Quays	£105,511
Total	£5,283,727

APPENDIX 2**Previously Agreed CIL allocations (December 18 and June 2019 Cabinet reports)**

Project	Updated notes	CIL sum allocated
Harper Road Improvements	Meeting held with Councillors to discuss scope and agree budget	£150,000 allocated by councillors
Newington Gardens	Meeting held with Councillors to discuss scope and agree budget	£150,000 allocated by councillors
St Mary's Churchyard Path Improvements	Meeting arranged with Parks Dept to discuss the scope of works required	Allocated in this report
Little Dorrit Park Improvements	Meeting arranged with ward members and BOST to discuss scope of works and tie-in with the S106 secured from the adjacent development.	£300,000 allocated and at design stage
St Mary Magdalene Churchyard path to Tanner Street Park	Adjacent developments will part-deliver this scheme.	Works delivered by developer close to completion
Spa Road pedestrian crossing	Draft budget discussed with Highways Dept.	No longer priority for Councillors
New Community facilities on Surrey Docks Farm	Phase 1 works currently on site.	£517,000 CIL allocated and spent project complete
Improvements to Albion Street	Project proposals under development by Regeneration North team.	Allocated in this report
Shad Thames Streets projects	Highways Dept. have a scheme part funded with S106.	£375,000 allocated and at design stage
Total		£1,492,000

APPENDIX 3

Community Infrastructure Plans

BOROUGH AND BANKSIDE WITH ST GEORGE'S

The total funds available now are £1,400,034 for Borough and Bankside and £26,084 for St George's wards. The June 2019 Cabinet report made an allocation of £300,000 for improvements to Little Dorritt Park and this funding has already been set aside (the total CIL budget available now is £1,700,034). Before the commencement of the consultation exercise, Councillors from both Borough and Bankside and St George's ward agreed to pool ideas across both wards.

The table below outlines a set of projects in both wards which have the potential to benefit residents and businesses either at a ward level, on the boundary of the two wards, or an impact across both wards. Similar to the Surrey Docks Farm project example, Councillors have elected to invest the majority of funding into the final phase of a community sports project which is currently used by residents and businesses across both wards, with users coming from across Southwark and London. Several community facilities which are used by residents from across the opportunity area are identified for a range of investment.

Project location	Project description	Would this project have an impact across the ward?	CIL Budget Borough and Bankside £1,400,034 and St George's £26,084
Toulmin Street	Providing accessible pavements and one way access which is available out of school hours - reducing traffic and direct car related pollution to Charles Dickens Primary School and Nursery. Ensuring walking to school is safer and the preferred option.	Would benefit wider community with parents and children visiting from across the ward	Fund now from available CIL up to £126,199.44

Project location	Project description	Would this project have an impact across the ward?	CIL Budget Borough and Bankside £1,400,034 and St George's £26,084
West Square Gardens	Restoration of railings surrounding West Square Gardens, located in the West Square Conservation Area.	Valuable public open space which could be enjoyed by the wider community	Fund now from available CIL up to £10,000.00
Marlborough Sports Garden, 11 - 25 Union St, London SE1 1SD	Final phase of sports garden to include a running track, green infrastructure, a toilet block and indoor space.	Sports and open space project which would benefit wider resident and business community including 9 local schools	Fund now from available CIL up to £1,125,000.00
Blackfriars Settlement, 1 Rushworth Street, SE1 0RB	The outside space could be a garden which would be used by older people, those with mental health challenges, students and members of the community who come to the Settlement..	Potential CIL project - would benefit wider community using this key community facility	Fund now from available CIL up to £10,000.00
56 Southwark Bridge Rd	Fit out the community space at 56 Southwark Bridge Road	Would benefit large number of people using community facility in the heart of Bankside	Fund now from available CIL up to £50,000.00
Queensborough Community Centre	Upgrade the toilets at Queensborough like the Stones Day Centre so older and less able residents are able to use them easily	Would benefit users of a key community facility. Discuss first to ascertain feasibility and to discuss gender neutral provision	Fund now from available CIL up to £10,000.00

Project location	Project description	Would this project have an impact across the ward?	CIL Budget Borough and Bankside £1,400,034 and St George's £26,084
In front of Prospect House, Gaywood Estate	Adding flowerbeds and landscaping to the green space at Gaywood Estate	Would benefit housing estate in the heart of the town centre with improvements which could be enjoyed by wider public	Fund now from available CIL up to £10,000.00
Brookwood Triangle Community Garden	The proposal is to make the garden climate resilient, by running a series of workshops with a leading Forest Garden expert and local green champions.	Small scale potentially a Great Estates / CGS project	Fund now from available CIL up to £25,000.00
Dodson and Amigo Estate, Morley Street	Improving the landscaping in the green space next to the TRA Hall to create a community wellness garden	Small scale potentially a Great Estates / CGS project	Fund now from available CIL up to £25,000.00
St Mary's Churchyard	Repair and replace the mud path that has been created across the park as a shortcut to the leisure centre with a paved path.	Potential CIL project council has already invested but this is a key desire line connecting to the town centre which needs improving	Fund now from available CIL up to £35,000.00

Project location	Project description	Would this project have an impact across the ward?	CIL Budget Borough and Bankside £1,400,034 and St George's £26,084
Winchester Palace	Enable managed access to the viewing point at Winchester Palace Kiosk. Establish a Heritage Information Centre to disseminate information about heritage sites in the local area to the public.	Potential CIL project - would benefit large numbers of people and aligns well with the social regeneration theme to promote heritage.	Fund using future CIL. Set up group now to discuss who it would work, staffing and ascertain DDA access
The Colombo Community & Sports Centre	Investment to create a disability gym, youth gym and senior gym	Potential CIL project - sports project would benefit people across wide area	Fund using future CIL. Set up working group to discuss feasibility now but do Marlborough Sports Garden first
Bernie Spain Gardens north, between Upper Ground & Queens Walk, SE1.	Improvements to the gardens with new pollinator flowerbeds, open grass areas, new varieties of trees, blossom canopy, a new Gardeners' Pavilion, as a base for trainee gardeners and apprentices, and for community volunteers and school visits.	Potential CIL project - neighbourhood park which could be enjoyed by community across a wide area	Fund using future CIL.
Samson and Ludgate Development	Fit out of LGBTQ+ community space in the Bankside Yards development	This space is controlled by Native Land but will be offered as an LGBTQ+ space	Fund using future CIL when an operator has been appointed for fit out if a charity or not for profit

Project location	Project description	Would this project have an impact across the ward?	CIL Budget Borough and Bankside £1,400,034 and St George's £26,084
Prices Street (Back of Kirkaldys Testing Museum, 99 Southwark Street (Front of Kirkaldys Testing Museum), SE1	We want to make Kirkaldy's Testing Works more accessible for technical and non-expert audiences and celebrate the industrial heritage of Bankside, by updating the current double doors so that they are usable access and also offer a glimpse into the museum, lighting the wording on the brickwork of the building and displaying two mighty cast iron beams in the pedestrianised space at the rear to create a new gateway into the museum.	Potential CIL project - improvements to key heritage building to foster pride of place and benefit community / visitors	Fund using future CIL Set up working group to discuss feasibility now
Stoney Street	Public realm improvements including road safety and urban greening.	Potential CIL project - improvements to Stoney Street could create a new public space to benefit the wider community	Fund using future CIL.
Borough High Street	To encourage activity away from the River Thames across the neighbourhood area and to encourage active and sustainable modes of travel.	Potential CIL project would improve a major thoroughfare in the ward connecting to public transport	Fund using future CIL. Needs a clear brief so set up working group now to discuss

Project location	Project description	Would this project have an impact across the ward?	CIL Budget Borough and Bankside £1,400,034 and St George's £26,084
Great Guilford Street	Extending the surface treatment at the end of Union Street (where it meets Southwark Bridge road) would instinctively slow down dangerously high vehicle speeds so that drivers are aware that this is a high pedestrian area.	Potential CIL project - improving a key strategic route connecting to new Secondary school	Fund using future CIL.
Red Cross Garden, 50 Redcross Way, London, SE1 1HA	Develop the building at Red Cross Garden in to a volunteer and employment hub for volunteer gardeners and horticultural trainees.	Potential CIL project - new community facility would provide training for community across a wide area	Fund using future CIL.
Hopton's Almshouses	The existing boundary wall and gates onto Hopton St are of modern 1970's construction and are unsightly we would like to replace them with traditional walls and ironwork railings and gates which will enhance the visual amenity for visitors, residents and the many workers soon to be starting in the Sampson House/Bankside Yard development opposite.	Excellent project but would benefit limited numbers of people	Fund using future CIL.

CHAUCER

The total available budget for the ward is £541,500. However, Cabinet has previously agreed to allocate £150,000 to both Harper Road projects and Newington Gardens leaving a total of £241,500 to allocate.

Appendix 1 of the December 2018 Cabinet Report 'Allocation of Local Community Infrastructure Levy' included 'Harper Road Improvements and Newington Gardens' as 'projects proposed for immediate funding'. These were projects that were put forward by community councils that already were:

- in the Council Plan
- included within the Capital Programme
- supporting a Fairer Future commitment
- affordable and feasible

Alongside supporting these two projects ward councillor's are looking to secure investment for improvements to Newington Garden play area which is in need of new equipment and resurfacing and in cycle storage across the ward and help address the Chaucer theme of 'sustainability and responding to the climate change emergency'. Other proposals which councilors are keen to facilitate are, investigation into the condition of the Rockingham Community Centre and improvements to the public realm between St George the Martyr and St Georges churchyard. These proposals are under review subject to consultation, future funding and further feasibility work to agree project scope and better understand costs.

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget
Harper Road improvements	Highways improvement works and traffic calming project	Harper Road is a local shopping parade with the Baitul ul Aziz Mosque, Dickens Square and Newington Gardens, Ark Globe Academy and many residential properties close to Elephant and Castle. It is also a key route between New Kent Road and Borough High St. Improvements to this area benefit a number of local residents and also those that come from further afield.	Fund now from available CIL up to £150,000
Newington Gardens	Path resurfacing and mosaic refurbishment	Newington Gardens is part of the network of parks across the ward and around Elephant and Castle used by both local residents and the wider community.	Fund now from available CIL up to £150,000
Newington Gardens	The children's play area in Newington Park is old and tired. It needs an upgrade with new equipment.	Newington Gardens is localised under 5's play provision primarily serving families on the Rockingham and surrounds. Providing this investment would complement provision proposed at Dickens Square which is primarily for over 5's	Fund the play area project now up to the value of £200,000

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget
Cycle storage	Residents are encouraged to cycle around the City and many want to do so, to protect their health & safety and that of their neighbours. However, there is a lack of secure cycle storage available for residents.	Cycle storage and use is consistent with the wider London policy to reduce car use and improve existing dangerous levels of pollution in the air for everyone. Through the decision to fund cycle storage strategically across the ward there is a wide benefit.	Fund applications submitted through the process following feasibility survey: £36,500
Rockingham Community Centre	Refurbishing the façade and facilities within the centre	The hall is in need of investment to allow better use by the local community.	Undertake a condition survey to understand the extent and cost of works required for a future allocation: £5000
Pedestrianised area between St George the Martyr Church and St George' Gardens	Improvements and greening of the open space and reconnect with the existing green spaces in the church and churchyard.	This project on Borough High Street sees high foot traffic and is a key route linking the ward to the city and beyond.	Future funding as the project is developed to support the improvement of the public realm.

DULWICH WOOD

The amount of CIL currently available is £66,861.54. Funds now are to be used to improve pedestrian crossing facilities at the junction between College Road and Rock Hill. The project was proposed and pre-approved for funding on previous Local CIL report presented to Cabinet on the 11 December 2018.

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £66,861.54
College Road and Rock Hill junction	<p>Improving safety and visibility of pedestrian crossing facilities.</p> <p>Cars drive fairly fast and given the junction/ lots of parking cars it is difficult spotting them. There are a lot of school children crossing this road here daily and it would be much appreciated to have this crossing a little bit safer.</p>	<p>Would improve the facilities for the community to use, especially for children doing the school run.</p>	<p>Fund now from available CIL up to £66,861.54. The full amount would be allocated to this project.</p>
Alleyn Park and Dulwich Wood Park junction	<p>Improving safety and visibility of Alleyn Park junction.</p> <p>Tighten up the junction so motorists slow down and the crossing distance is reduced.</p> <p>The proposed project is part of the Cleaner Greener Safer CGS programme 2020/21: Applications (ref. 1317185)</p>	<p>Would improve and enhance access to green and open space in the ward.</p>	<p>Funding is subject to further CIL becoming available in the future</p>

LONDON BRIDGE AND WEST BERMONDSEY

The total available budget for the ward is £732,500. Councillors have sought to prioritise strategic projects which will benefit the whole ward, with investment in key open spaces, community facilities, key public routes and crossings. The key project is to develop the Leathermarket Gardens into a community hub with investment to increase the size of the park, improve the landscaping connections to the local estate, improve public access to the park and facilities in the park, and to plan for future improvements to the village hall.

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £732,500
Leathermarket Garden community spaces and environment	<p>Leathermarket Gardens community hub to include</p> <ol style="list-style-type: none"> 1. The greening of Tyers estate, including the walking routes through the estate into Leathermarket Garden 2. Public access for the local community to the 5 a side football pitch, with planting around the football pitch as an acoustic blanket 3. A feasibility study for the extension or re-build of Bermondsey Village Hall as a vital community hub for the area 4. Re-design of the entrances to Leathermarket Garden, including the use of the access roads. 	Potential CIL project - improvement to public space, sports and community facilities could benefit ward level	Fund now from available CIL up to £415,000

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £732,500
Whole ward + Chaucer ward (OBNF Neighbourhood Area)	A network of spaces across both the London Bridge and West Bermondsey and Chaucer Wards providing facilities for people to share tools, material resources and skills: shared garden shed meets community workshop. A feasibility study would identify how a network of facilities from the scale of shipping containers to small buildings (including refurbishment of existing structures) could be best located and locally managed to encourage cultures of sharing, peer-peer learning, repair, recycling and re-use etc.	No specific sites identified	Fund now from available CIL up to £10,000 – investigate the potential to integrate with the feasibility for the village hall as set out above

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £732,500
Guy Park	Guy Park is the least used of the pocket parks in the ward. It could be substantially enhanced both for local people and for biodiversity. The first step would be a community led redesign of the park.	Potential CIL project would benefit whole ward. A community led design exercise now would ascertain a design and budget which could then be delivered as and when the NCP car park site comes forward for redevelopment.	Fund now from available CIL up to £25,000.00
Long Lane and Wild's Rents	This is a very busy road where people travel at much higher than the designated 20 mph. School children Going to Snowfields from the homes and estates to the south, parents with children, and elderly and disabled people need to be able to cross safely here, as he other crossings are far away, either at Bermondsey Street or Weston Street.	Can be delivered. Feasibility assessment has been carried out, just need implementation funding.	Fund now from available CIL up to £50,000.00

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £732,500
Druid street	The arches here are a considerable tourist attraction and bring people to the area - the only my problem is people have to walk in the road when visiting the different businesses. If there was a proper pavement or pedestrian route running the full length next to the arches more space would be created for people to sit, socialize and enjoy the businesses located here.	Potential CIL project which could benefit both businesses and residents – Councillors keen to focus on greening options to improvement environment for residents	Fund now from available CIL up to £222,500
OBC Youth Club, Swanmead Estate SE1 4RP	The project was Initiated by Young Members of the OBC Youth Club to improve the sports pitch and the final phase involves installation of lighting	Small scale potentially a Great Estates / CGS project	Fund now from available CIL up to £10,000.00

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £732,500
East side of Bermondsey Street between Crucifix Lane and White's Grounds	Proposal to widen pavement with cycle contraflow to be installed. This will require the relocation or removal of 6 parking spaces, including one disabled, These improvements will ease the overcrowding on the pavements and make the street more welcoming to everyone who lives here, works here or comes to visit.	Potential CIL project which would improve access to station and jobs. Councillors also keen to explore potential for public and secure storage cycle parking linked to other suggestions by the public	Fund using future CIL.
The Alfred Salter park, Druid street	The park is really well used by the local community but is sadly dilapidated with broken equipment, missing pieces, slippery surfaces, old-fashioned play equipment. Funding to improve the park would make a difference to students at the local schools, families living locally as well as families who use the facilities at the youth club.	Potential CIL project - neighbourhood open space linked to youth club would benefit wider community but the gardens have been improved previously.	Fund using future CIL

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £732,500
Weston St	Planting street trees on Weston St as part of improvement of street for walking, cycling, biodiversity and local residents.	Potential CIL project which could improve a key route which connects the neighbourhood to London Bridge station	Fund using future CIL but await final decisions on St Thomas Street East developments and explore options for integration

NORTH BERMONDSEY

The amount of CIL currently available is £51,000 with significant future CIL payments to be made associated with the Biscuit Factory development which is starting now. Funds now are to be used to improve a connection into Southwark Park. A key strategic project for future funding is to improve the quality of the environment of the river, with potential ecology projects to improve the habitat of the Thames, and investment to improve public access to the river. Various project ideas for future potential funding using the Biscuit Factory CIL should be developed through partnership working now.

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £51,000
Near the bus stop across from the Moreton Terrace Gate for Southwark Park	Add some sort of road crossing (zebra, pelican or puffin) to connect neighbourhood to Southwark Park. There is a nearly straight line walk for pedestrians that brings them away from having to walk on Jamaica Road which goes through New Place Square, Tranton Road and then on to St James's churchyard.	Would create new public access to neighbourhood park. Crossing would be best south of bus stop to ensure distance from Jamaica Road crossings. May require relocation of bus stop. Study required to determine best location.	Fund now from available CIL up to £51,000.
The whole riverside	Four CIL proposals were received which sought to improve (1) green infrastructure along the length of the Thames riverside, (2) plant more trees and shrubs, (3) interpretation and (4) design estuary edges which are small areas of engineered habitat designed to replicate lost intertidal habitat. Important for fish, flora and invertebrates, they increase biodiversity for aquatic and terrestrial wildlife (e.g. bees, voles and birds).	Potential CIL project to improve the amenity and biodiversity of the Thames	Fund using future CIL - set up river working group to develop vision and strategy to enhance access to the river walk and greening / biodiversity

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £51,000
Clements Road/Drummond Road junction	Close this junction to motor traffic. By closing this junction to motor traffic you would remove through traffic from the areas while retaining access for local people and business.	Improvements will be delivered by developer Grosvenor	Fund using future CIL
Southwark park road tunnel	Improve pedestrian environment under railway tunnel. Artistic Lighting. artworks. Remove pigeon infestation. Remove graffiti.	Possible CIL project - key route would have wider benefit to whole community	Fund using future CIL in partnership with Grosvenor. Potential joint project with South Bermondsey ward
St James Road at Webster Road	Zebra crossing. Its a popular pub and once all this covid stuff is done it will be again yet crossing the road to get to it is hard work we need a safe crossing at this end of the street like further up	Feasibility has been carried out for crossing at Blue Anchor Lane and deemed to be appropriate location for crossing. CIL money could be given to Blue Anchor Lane proposal instead while serving similar purpose.	Move crossing south of viaduct. Fund using future CIL in partnership with Grosvenor. Potential joint project with South Bermondsey ward

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £51,000
Drummond Road	The narrow and rutted up pavements here are difficult for families with buggies people in wheel chairs and the elderly. Wider pavements would provide space here and make this junction safer as too many motorist turn quickly into the wide junction mouth and i often see near misses here.	Not strategic route with ward level benefit	Fund using future CIL.
Clements Road Power Station	Plant Hedges & Trees around and within the power station complex. The power station on clements road is an eyesore and although rarely used, does add to the pollution and contribute to climate change. There are some sporadic hedges around the perimeter fence, but far more could be planter to soften the exterior.	Minor project too small for CIL refer CGS	Subject to agreement with asset owners, fund using future CIL.

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £51,000
Jamaica Road Piazza 182-210 Jamaica Road SE16 4	Refurbishment of the Shops' Parade Pavement laid out in 2003. In 2014 the supermarket opened with 3 daily deliveries which has damaged the pavement. Lighting no longer works. The parade is busier and dirtier than ever. This parade would benefit from further improvement.	Possible CIL project - plaza would have wider benefit to whole community	Fund using future CIL
Southwark park road junction near stanley arms	Wide junction motorists going into the car park take the corner very quickly this is a route to the park for many kids from the local area and too many near misses happen here. Tighten up the junction so motorists slow down and the crossing distance is reduced.	Consider raised entry treatment as well as building out kerb line either side of junction	Fund using future CIL

NORTH WALWORTH

The total available budget for the ward is £750,000. Councillors priority is to help address the North Walworth theme of 'Preventing crime and antisocial behaviour'. Therefore the focus for ward councillors is to fund security door entry systems. Priority will be given to those blocks on estates that applied through the CIL process but it has been identified that there are additional blocks on Salisbury estate that are in need of security door entry systems to allow for estate wide security. Councillors wish to support these additional blocks with CIL funding. The implementation of this project will be subject to site surveys and resident ballots due to ongoing maintenance costs and increases in weekly charges for leaseholders and tenants.

Alongside supporting this priority project ward councillor's are looking to help deliver the East Walworth Green link and encourage healthy activity and improve local environments. The Low Line public realm, acknowledging the heritage of Walworth, cycle storage and a green link along Bronti Close and Blackwood St are also identified for possible future funding. These proposals will be reviewed subject to consultation and further feasibility work to agree project scope and better understand the costs involved.

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget
Security door entry systems on 7 to 12 Hillery Close, 17-20 Salisbury Close and the remainder of Salisbury estate	Local infrastructure to address anti-social behaviour in communal stairwells by providing security door entry systems on all remaining blocks.	There are a number of blocks within the ward that have applied for funding to help increase safety of residents	Fund now following feasibility survey and residents ballot: £360,000
Security door entry systems Delting, Dormstone and Culan buildings Congreve Street and Darwin St maisonettes	Local infrastructure to address anti-social behaviour in communal stairwells by providing security door entry systems	There are a number of blocks within the ward that have applied for funding to help increase safety of residents	Fund now following feasibility survey and residents ballot: £170,000
Security door entry systems on Ringsfeld House, Harry Hinkins House, James Stroud House, Bronte/Walworth Place	Local infrastructure to address anti-social behaviour in communal stairwells by providing security door entry systems	There are a number of blocks within the ward that have applied for funding to help increase safety of residents	Fund now following feasibility survey and residents ballot: £150,000

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget
East Walworth Green Link	A second "Green Link" from Elephant Park to Burgess Park, connecting Nursery Row Park and Faraday Gardens. The aim is to define a corridor for active travel and street greening to encourage walking and to foster biodiversity. We envisage wayfinding, street trees, SUDS and to extend the good planting.	The project would help to provide local infrastructure which encourages walking, healthy activity and biodiversity.	On project proposals list for possible future funding once feasibility work undertaken and agreement of outputs.
At the Walworth Village Centre where the Walworth Road meets Penrose St	To celebrate and strengthen the identity of the place that was historically the village centre of Walworth where the Walworth Road met the paths, tracks and roads that led away to the west and the east.	Help residents and visitors increase knowledge and understanding of the history of Walworth	On project proposals list for possible future funding once feasibility work undertaken and agreement of outputs.

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget
Along the Low Line the railway viaduct which runs north-south along the length of West Walworth and forms the boundary between Newington and North Walworth.	To improve the public realm so that the Low Line becomes a viable and attractive walking route that is an appealing, safe and high air quality alternative to the Walworth Road. Support businesses development along the railway line and connect the Low Line in Walworth with other parts that are being developed through E&C to Blackfriars, giving a dedicated walking link to the river.	To encourage walking and improving public realm connectivity from Walworth toward the river.	On project proposals list for possible future funding once feasibility work undertaken and agreement of outputs.
Date Street/Blackwood Street Corner	With the predicted increase in cycling post-pandemic it makes sense to introduce additional storage as the area's lockers are fully subscribed.	Encourage cycling with in the borough	On project proposals list for possible future funding once feasibility work undertaken and agreement of outputs.

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget
Bronti Close and Blackwood St	A green link along Bronti Close and Blackwood St	To connect Walworth Rd and East St to Faraday Gardens. This would improve quality of life for local residents who walk along Bronti Close and Blackwood St, or use Faraday Gardens or East St Market, as well as residents of the Nelson Estate.	Funding being sought through Great Estates. On project proposals list for possible future funding once feasibility work undertaken and agreement of outputs.

NUNHEAD AND QUEEN'S ROAD WARD

The amount of CIL currently available is £88,749.66. There are a number of projects listed below. The CIL fund would be distributed among these projects according to amount required. Where a feasibility study is deemed necessary to establish project scope and viability, a £5,000 fund would be allocated. All schemes would benefit the local community and provide valuable active time for **'healthy, constructive and fun activities for local young people'** in accordance with the ward's theme.

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £88,749.66
Kings Grove Community Garden	<p>To upgrade, redesign and refurbish Kings Grove Community Garden by:</p> <ul style="list-style-type: none"> • Creating more space for growing food. • Re-define/create spaces for people to sit in • Put in water and electricity for appliances • Lighting: for ambience and for security • Secure Storage • Build a wood-fired pizza oven for community use. 	Over the past 20 years, many houses in Kings Grove and around have been converted into flats, many without an outdoor space. The Kings Grove Community Garden provides a much needed space for solace and calm.	Fund now from available CIL up to £7,000
Cossall Park	<p>Various improvements works to the park including refurbishment of the ball court and reconstructive works. The Parks department support additional funding to help realise stages of masterplan incl. outdoor gym equipment</p>	This is a community supported plan for improvement and additional investment will help to make the project successful with lasting affects for future generations	Parks department to advise on required funding

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £88,749.66
The Anglican chapel, Nunhead Cemetery	Putting a roof on the ruined chapel. Roofing the Grade II listed structure would prevent further deterioration of the building and would also be a precursor to eventual full restoration.	By placing a roof on the shell of the ruined chapel it would make the building accessible for far more events than are currently possible. These include music, theatre, dance, art exhibitions, lectures, meetings etc. it would become another community asset.	Fund now from available CIL up to £5,000 for a feasibility study recommended
Barset Road estate, Linden Grove and Buchan Road	Improvements to communal green areas. Throughout the Barset Road estate there are numerous small green areas, currently grassed, with no planting. They are underused, but with simple landscaping could become really valuable extra garden space for residents to use for safe outdoors socialising or relaxation.	The implementation of greater green infrastructure in this way will help to form a safe and pleasurable estate.	Fund now from available CIL up to £5,000

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £88,749.66
Astbury Road / Coll's Road / York Grove	Community Gardening Project: Transform several areas in the neighbourhood frequently used for fly-tipping into green spaces / community gardens that will be appreciated by all local residents and create opportunities for people to get involved in outdoor activities required for the creation and maintenance of these spaces.	Supported by the Council's Housing and Modernisation team, this project could work with the Community Gardening Co-ordinators. Due to the impact of the pandemic, the loss of planned social events has had a negative impact especially for some of more socially isolated residents in this area. Throughout the spring and summer months, planned outdoor activities for the neighbourhood were postponed. However, with CIL funding the residents would be able to transform several corners of the neighbourhood into community gardens that can be enjoyed for the foreseeable future.	Fund now from available CIL up to £10,000

PECKHAM WARD

The amount of CIL currently available is £97,159.00. A key strategic project for future funding is to be allocated to 'Peckham Platform' and the money will go towards establishing their premises in Peckham. Additional funding will be applied to other projects thereafter in 2021. The agreed scheme would benefit the local community and provide valuable active time for young people in the community, which aligns with the Ward's theme of '*young people*'

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £97,159.00
Peckham High Street SE15 5RS	<p>Alter the shopfronts and implement minor improvement works to the allocated units to accommodate new premises for Peckham Platform:</p> <p>CIL funding will equip Peckham Platform with a new venue on Peckham Square, enabling the organisation to expand the reach and impact of their work developed with communities in Peckham over the last ten years.</p> <p>Launching in 2021, the organisation will create a larger, redeveloped exhibition space showcasing new community led artworks; a free at point of access learning space and dedicated resource for the sector.</p>	<p>Peckham Platform's mission is to bring people together through art. The new venue is essential to help them expand the impact and reach of their work to meet the needs of communities in Peckham and beyond.</p> <p>The new venue will see the organisation embed learning in the following ways:</p> <ul style="list-style-type: none"> • Develop the Youth Platform to increase cultural access opportunities for 13 - 19 year olds in Southwark. • Increase the free drop-in creative workshops alongside for children aged 5 - 13 year olds in Southwark. • Increase the schools partnerships to boost creative accreditation and attainment via Arts Awards and Arts Mark activity. • Increase employment pathways and placement opportunities for young people from Peckham into the cultural sector. <p>By building a sustainable organisation centred on diversity and partnership responsive to local need and reflecting global issues.</p>	Fund now up to £30,000

PECKHAM RYE

The amount of CIL currently available is £12,383.97. A key strategic project for

future funding is to improve the quality of the existing playground in Peckham Rye Park. The full amount of the allocated CIL fund would go towards this existing project, which is currently underway. Any future funding would go towards the refurbishment and upkeep of the popular skate park also located within the park. Both schemes would benefit the local community and provide valuable active time for young people in the community.

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £12,383.97
Peckham Rye Park	The small children's playground in Peckham Rye Park is a very well loved and well used space that families of normally younger children enjoy using. It is calmer than the new playground on the common and is well shielded from the sun by mature trees in the summer. The majority of the equipment and safety surfacing is well beyond its design life and starting to fail reducing the overall play value and compromising safety. Refurbishing the play area will provide play opportunities for children and support for families in the local area for many years into the future.	Yes, as it would improve the facilities for the community to use. This would enhance positive activities for young people and improve the green and open spaces in the ward.	Fund now from available CIL up to £12,383.97. The full amount would be allocated to this project.

Project location	Project description	Would this project have an impact across the ward?	CIL Budget £12,383.97
Peckham Rye Skate park	Refurbish the existing skate park. The Peckham Rye Skate Park with its wide selection of ramps is popular with older children. It was upgraded by the installation of a metal mini ramp which is 1.5 m high, 6m long and 9m in length (result of the Cleaner, greener, safer bid by the dedicated skate user group). However, the skate park would benefit from further improvements.	Yes, as it would improve the current facilities. This skate park is very popular and is widely used by the skating community across ward.	Any future CIL funds would be allocated to this project

ROTHERHITHE

The total available budget for the ward is £20,714. Ward councillors have sought to prioritise investment in improving the access from Albion Street to Canada Water by exploring the options for a new pedestrian route, shortening journey times and improving access to town centre facilities. Appendix 1 of the December 2018 Cabinet Report 'Allocation of Local Community Infrastructure Levy' included 'Improvements to Albion Street' as one of the 'projects proposed for immediate funding' under Bermondsey and Rotherhithe Community Council. These were projects that were put forward by community councils that already were:

- in the Council Plan
- included within the Capital Programme
- supporting a Fairer Future commitment
- affordable and feasible

Other proposals which came forward are improvements to Lower Road paving and underused spaces, upgrading Southwark Park sports pitches and investment in Silverlock TRA Hall. These proposals are under review subject to consultation, future funding and further feasibility work to agree project scope and better understand costs.

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget £20,714
Albion Street	Creating a new pedestrian route to/from Canada Water town centre (Albatross Way) to/from Albion Street via Clack/Swan Street, with wayfinding interventions to strengthen and highlight the route.	This new 'route-through' will dramatically shorten the pedestrians and cyclist journey to and from Canada Water tube and bus stations as well as access to town centre facilities.	Fund a feasibility study to explore cost options and deliverability. Cost estimate: £15-20k
Corner of Lower Rd and Croft St	Improvement to land through transfer to Council ownership and subsequent investment.	A 'pocket park' has been suggested in this location and would be a beneficial green space which could be delivered in the context of gyratory and CS4 works.	Parks are not currently in a position to manage a new park. Ownership currently with a private company, Buildtalk Ltd, a real estate enterprise registered in UK.
Silverlock TRA Hall	Installation of blinds and air conditioning to provide cooling to the building.	The hall is currently well-used by the local community. Potential Great Estates project.	Possible future CIL project – review further now to explore costings.
Southwark Park	Rehabilitation and investment in the current artificial cricket pitch and the grass pitches serving football and tag rugby.	Improving the pitches in this way would increase the park's sporting capacity throughout the year to provide safe, quality sporting opportunities for thousands of local people, particularly young people.	Review subject to the outcome of the Southwark Park Vision consultation is planned for this Autumn.

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget £20,714
Lower Road	Improvements to uneven paving on Lower Road from the Surrey Quays Overground station toward Evelyn Street. Planting along main high street.	Improvements would benefit pedestrians, wheelchair, scooter and buggy users	Review - could dovetail with and obtain financial support from CS4 works.

SURREY DOCKS

The total available budget for the ward is £105,511. Councillors have sought to prioritise investment in two valued ecological spaces - Lavender Pond Nature Reserve and Greenland Dock. The key project is to upgrade the Lavender Pond Nature Reserve into an improved ecological resource - to enhance biodiversity and improve visitor footfall. CIL investment could be used to upgrade the timber dock vetements, surrounding footways and wider public realm. Investment in the surrounding outbuildings and signage for the Lavender Pond Nature Reserve, currently managed by The Conservation Volunteers could increase the commercial activity of the site, helping to create a much needed and sustainable revenue stream. Various project ideas for future potential funding using should be developed through partnership working with the volunteer group as well as other Council departments, who already have feasibility studies planned. New nesting racks and reedbeds will also be funded to improve wildlife habitats at Greenland Dock.

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget £105,511
Greenland Dock	New wooden anchored nesting racks for the water fowl including sheltered spots for chicks.	Existing nesting platforms in need of upgrade/ replacement. It would make it a better place to visit for schools to watch and learn about the bird's habitats.	Fund now Cost estimate: £15-20k

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget £105,511
Greenland Dock (channel that lead under the red bridge)	<p>New wildlife island and reedbeds using waste building materials from the redevelopment of the Tesco site.</p> <p>The island(s) would offer a resting/nesting place for wild birds, as well as shallows where the birds could feed.</p>	This would benefit a very wide range of people: almost everyone who lives in, or visits the area is fascinated by the wildlife. The waterbirds have settled and established themselves in the dock despite the hostile environment they face; they could do even better with a little help.	<p>Fund now. Cost estimate: £30-50k</p> <p>Feasibility exercise with specialists (e.g. Water Fowl & Wetland Trust).</p>

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget £105,511
Lavender Pond Nature Reserve	<p>Four CIL proposals came forward:</p> <p>1) Outdoor Education Space - installing boardwalks - improved handrails/footpaths/ compost toilet - canopy area to run events & activities</p> <p>2) Public Realm improvements around Lavender Rd.</p> <p>3) Wooden revetments on nature reserve boundary are in need of replacement</p> <p>4) The brick outhouse next to the pumphouse could be converted into commercial property, helping to address the lack of shops/cafes and other enterprise in the area.</p>	<p>There is strong potential here to upgrade the site to improve biodiversity, improve public realm and increase visitor footfall.</p> <p>Neighbourhood open space linked to community/commercial activity at Pumphouse would benefit wider community, to be considered in conjunction with Southwark Nature Action Plan (SNAP).</p>	<p>Fund feasibility study £15-30k</p> <p>Cost estimate - £100-650k, dependent on scope.</p> <p>CGS / DHB Ref: 108252 Lavender Rd Regeneration - £ 60k</p>
Surrey Docks & Rotherhithe Ward	<p>Improving signage across the whole of Surrey Docks Wards – extensive audit and upgrade.</p> <p>Wayfinding needs to be coordinated with Legible London.</p>	<p>Of wider benefit to local community and visitors and could potentially tie in with heritage of the area</p>	<p>An extensive and longer-term Council undertaking. Review financial position</p>

Project location	Project Description	Would this project have an impact across the ward?	CIL Budget £105,511
Within the Ward	New healthcare provision	Potential CIL project and priority	Local CIL will comprise match funding – hold

Item No. 14.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Strategic Review of Youth Services 2020	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People & Schools	

FOREWORD - COUNCILLOR JASMINE ALI, DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE & SCHOOLS

Southwark is a youthful borough with a large diverse population of children and young people who make up over 20% of the total population. We have nearly 50,000 children and young people between the ages of 5-19. But we also have the most deprived population of children and young people in London and we rank in the second highest quintile in England for deprivation so the timing of this review couldn't be more important.

We have high numbers of young people thinking about their life paths in the context of a pandemic fuelled recession. We need to make sure the services are fit for young people's purposes.

This detailed and frank review is a good start. It gives a comprehensive map of services right across the borough and sets out models of good governance. Going forward, each youth service funding stream for young people's services, including youth, play and positive futures, is to be consolidated to deliver the best outcomes for our young people.

There are many other strengths to the attached report, not least the outstanding engagement of young people with a wide range of methods. In-fact the council has already won an award for its ethnographic component of youth engagement. It is right that young people must be at the centre of any design and development of services meant for them. It is true to say that the voices of young people have shaped this review and will help take its recommendations forward.

Our Vision

The council is committed to ensuring that the young people of Southwark have positive lives now and in the future. We want them to live happy, secure, enriched and successful lives and to successfully transition into adulthood. To achieve this ambition, we will provide the best quality modern services designed to meet their needs.

Our services will address inequalities, be inclusive and embrace diversity. We will ensure that young people are at the heart of decision-making and are empowered to design the services and activities that they want and need.

Young people will be able to influence the decisions that affect their lives in a range of different ways: they will tell us how our money should be spent, which services should be commissioned, how information on these services should be shared and how we can best design venues and spaces to ensure they are young people friendly. Young people will also regularly tell us about the issues that matter the most to them, through a variety of mechanisms. This council will do everything we can to make sure that no young person is left behind.

The Strategic Review opens doors for new forms of youth led organisation like a new Youth Parliament that will be inclusive as possible for all young people, including those that have found our services hard to reach in the past.

I will chair a new working group including young people to oversee the development and launch of a brand-new service: a Sure Start Service for Teenagers. Potential new developments will include new spaces and places for young people, like the brand-new accessible digital hub as well as a new state of the art building to locate some new and some existing youth services.

I hope that cabinet will endorse this review so that we can get on with taking this work forward and improving outcomes for young people in Southwark.

RECOMMENDATIONS

That Cabinet agrees:

1. The new vision and set of objectives for the youth service as detailed in paragraphs 61 - 62. These aim to ensure that the voices of young people are at the heart of future decision-making, that young people are able to access the wealth of activities taking place across the borough, and that they can take part in new and exciting opportunities with a range of organisations created through our partnership work.
2. That the Deputy Leader & Cabinet Member for Children, Young People and Schools will launch a new Officer and Member joint working group. The group will bring together officers from Leisure and Children's Services to oversee the establishment of a Sure Start for Teenagers.
3. That officers should work with young people through a co-production approach to identify the need and opportunity for a new state of the art facility from which to deliver services and will bring proposals back to Cabinet in 2021. A youth led review of facilities and public spaces on Brandon Estate is taking place in January 2021; the findings from this will support the implementation of this recommendation.

4. The bringing together of the Youth and Play grants scheme with the Positive Future Fund, re-named 'Positive Future for Young People Fund', providing a fund of £600,000 in 2021-22 for activities for young people. 10% of this fund will be overseen directly by young people.
5. That a Youth parliament is established as the youth leadership forum to steer the future direction of the council's youth offer consisting of a diverse and representative group of young people.
6. That officers create a commissioning working group with young people including representatives from the current Youth Council, Young Advisers, Youth Offending Service, Young Carers, youth club attendees and others to develop the specification for the new commissioning of activities programme. Officers will return to Cabinet in March 2021 with the detailed commissioning plan.
7. To the development of a digital information hub to provide comprehensive, up to date and accessible information about activities and services for young people and their families.
8. The launch of the new "Positive Futures for young people" service in the spring 2021.

That Cabinet notes:

9. The details of the review, which included extensive and in depth engagement with colleagues from across the council, young people, parents/carers, and youth providers and has directly influenced and shaped the recommendations and action plan.
10. The recommendations and detailed action plan arising from the youth review 2020 as detailed in paragraph 63, which will enable young people to experience vibrant and dynamic activities that will motivate and support them to have happy, healthy and positive futures.

SOUTHWARK'S CURRENT PROVISION FOR YOUNG PEOPLE

11. The council directly runs five youth club which prior to the COVID pandemic, delivered a total of 13 evening sessions each week. In addition separate sessions for young people with special educational needs took place twice per week. The council also runs five Adventure Playgrounds which run activities for the age group 8 -14.
12. The council commissions 19 voluntary organisations to deliver youth and play activities across the borough. This provision runs from generic universal youth work to more targeted work with specific groups. This is what constitutes the current 'youth service'.
13. The council and partners fund and deliver various other services to young people in the borough and these are universal and targeted – ranging

from the youth offending service, young advisors, the local offer, libraries, arts and sports.

14. The council's Positive Futures Fund 2019 – 2022 which invests £500,000 to support community groups that provide inspiring opportunities for young people across the borough that divert them away from crime.
15. Across the borough young people also have access to a wide range of sport and leisure activities provided by voluntary and community groups from sports and fitness groups, arts and crafts classes, and after school clubs.

HOW WILL THE FUTURE YOUTH OFFER BE DIFFERENT?

16. Our future youth service will provide young people with a wide range of new opportunities and experiences, and will empower them to design the youth service that they want. The new youth offer will enable young people to do the following:
 - access a wide range of activities and services through council run provision and the new 'Positive Future for Young People Fund.'
 - access up to date and comprehensive information about provision across the borough through a new live portal which will be easily accessible from one location; this will be co-designed by young people to ensure it is fit for purpose. As part of this young people will be able to find a list of venues and facilities that are either low or no cost.
 - be involved in council decision making (including the service officer, service development, the commissioning budget and any other appropriate youth issues), working alongside council officers and elected members through the Youth Parliament.
 - join a working group to develop the specification for the new commissioning of activities programme.
 - avail of the opportunity to generate, and apply for, funding through the 'Young People's Fund' which will enable them to access certain activities where affordability / accessibility are an issue.
 - lead a review on how to create venues which meet their needs and are places they want to go and socialise. As part of this, young people will create a toolkit on how to make spaces young people friendly.
 - access services in young people friendly spaces that include but are not restricted to youth centres. These will be IT enabled and have up to date digital facilities.
 - access a bank of mentors / coaches to help them fulfill their life aspirations.
 - Organisations will be supported to deliver activities to young people in areas of the community that may not typically access these (e.g. arts, leisure, sport).
 - New provision and services will take account of the issues young

people have and their interests such as climate change, inequalities, health and wellbeing and career development.

BACKGROUND INFORMATION

Young people in Southwark

17. Southwark has a large and diverse population of school age children and young people. They make up 22.6% of the total population with approximately 48,000 between the ages of 5 - 19. Of this, approximately 27,000 are between the ages of 11-19. More than 60% of school age children and young people in Southwark are from black or other ethnic minority groups. In the UK population overall 20% of young people are from an ethnic minority. It is the most deprived population of children and young people in London and Southwark is ranked in the 2nd highest quintile in England for deprivation, for both primary and secondary school aged children. It is vital that the services we provide to young people are fit for purpose and help give young people the best chance to thrive in life. We know that Southwark's young people have much to contribute to their communities now and in the future.

The Activities for Children and Young People Strategy (ACYPS) 2017 – 2020

18. In December 2016 the Council's cabinet agreed a new Activities for Children and Young People Strategy 2017-2020. This strategy aimed to refocus and target services to deliver the best outcomes for children and young people over the three year period and focused on provision of universal activities available to all children and young people.
19. The ACYPS strategy set out the priorities for the provision of leisure activities for children and young people in Southwark. It had five thematic outcomes.
- Outcome 1: Happy: Children and young people have fun and feel happy
 - Outcome 2: Healthy: Children and young people live healthy lives
 - Outcome 3: Active: Children and young people participate and are active citizens
 - Outcome 4: Safe: Children and young people feel safe and secure
 - Outcome 5: Prepared: Children and young people have the life skills to succeed.
20. The strategy was delivered through an action plan which was annually reviewed. Services delivered by both the council and funded voluntary sector partners were responsible for its successful delivery. The strategy came to an end in March 2020. It is therefore an opportune time to revisit priorities and develop a new future plan.

The Youth and Play Grants Programme

21. The Youth and Play commissioning plan (approved in April 2017) set out the priorities for the commissioning of youth and play grants for 2017-2019. The plan was developed in accordance with the ACYPS 2017-2020. The ACYPS established a clear framework at that time for outcomes to be considered in commissioning the voluntary and community sector to deliver youth and play activities. The existing grants programme was extended for a year from 1st April 2019 to 31st March 2020 and due to the timing of the Youth Review it was necessary to extend this for a further year. The revised future plan will provide the new commissioning framework for the Youth and Play Grants Programme and ensure that partners are effectively contributing towards meeting the needs of young people in the borough.

Serious Youth Violence Panel

22. In July 2019 the cabinet considered the findings of the Serious Youth Violence Panel and agreed to implement the recommendations made by the panel. The key recommendation for the Youth Service was that Southwark was to work with young people to redesign its youth provision to ensure that it is fit for purpose and helps give young people the best chance to thrive in life. In addition we were to review the Youth and Play Strategy to enable redesign of borough provision. The specific and relevant recommendations were as follows:

- Southwark to work with young people to redesign its youth provision to ensure that it is fit for purpose and helps give young people the best chance to thrive in life
- Southwark should consult with young people on the best way to recognise and reward young people with the borough for excellence building on the success of the Positive Futures Fund
- Promote raising young people's aspirations through signposting to mentoring schemes and through the use of trusted role models to both male and females at risk of youth violence
- Ensure that young people's voices are at the heart of their consultation and design processes
- To work in partnership to raise awareness of mental health & wellbeing with young people specifically the perceived stigma attached to this by young people and how this impacts their vulnerability to violence
- Community led organisations and Tenants and Residents Associations (TRAs) should be supported to make their resources and halls available for young people/services targeted at young people to use

The impact of COVID-19

23. It is widely recognised that the COVID-19 pandemic is having an enormous impact on young people across the globe, in the UK, London and in Southwark. This impact covers educational attainment, social interactions and friendships, physical and mental health and wellbeing, opportunities to participate in leisure activities and the development of key life skills to support future prosperity.
24. Research completed by the organisation UK Youth has predicted the impact on young people will include the following, ranked by order of importance:
- 1) Increased mental health or wellbeing concerns
 - 2) Increased loneliness and isolation
 - 3) Lack of safe space – including not being able to access their youth club/ service and lack of safe spaces at home
 - 4) Challenging family relationships
 - 5) Lack of trusted relationships or someone to turn to
 - 6) Increased social media or online pressure
 - 7) Higher risk for engaging in gangs, substance misuse, carrying weapons or other harmful practices
 - 8) Higher risk for sexual exploitation or grooming
25. Southwark, and indeed the world, has been significantly affected by the global COVID-19 pandemic. The crisis has had a huge impact on our borough, and the council itself, which has had to fundamentally change the work we do to respond to the pandemic. It is our hope that we are able to deliver the proposed recommendations and actions over future years. However, the uncertainty that we face cannot be ignored and there may be elements of the action plan that need to be adapted in light of the pandemic and any future government guidance.
26. However our vision and commitment to young people remains the same and we will do all we can to deliver the new youth offer to young people during these challenging times.

Southwark Stands Together

27. In response to the inequalities highlighted by the pandemic and its disproportionate impact on BAME communities and people in lower income brackets alongside the heightened awareness of systemic racism brought to attention by the Black Lives Matter Movement the council has made a commitment to tackle inequalities in Southwark. This will take place through its Southwark Stands Together (SST) programme which has been embedded in the new Council Plan agreed by the Council in September 2020. The principles of Southwark Stands Together will be embedded in all our work with young people.

28. As part of the SST programme, three listening events have taken place so far with young people. The first event was organised by Southwark Young Advisors in June 2020 following the murder of George Floyd which had participation from around 70 young people. This event was an opportunity for young people to speak directly to Southwark decision makers in a question and answer panel discussion format to gain better understanding of how these authorities work, what their priorities are and how they intend to respond to the Black Lives Matter movement.
29. The second event was organised by the council's education department and invited specialist young people to a roundtable discussion on education. The third youth focused listening event focused on listening to young people's experiences and ideas for solutions. This event explored the impact of racism, injustice and inequality that young people experience in the areas of employment, health and wellbeing, policing and community and culture. The listening exercise highlighted racial discrimination as the key issues and the need for inclusive community spaces for young people.
30. It is important that the youth service collaborates with those leading on SST workstreams with young people. There will be a number of opportunities for joined up working; as an example, one of the recommendations in the SST cabinet paper is to ensure there is effective engagement with young people in the whole process of designing and creating good public spaces. The council has already engaged with young people on the development of the Youth Hub on the Old Kent Rd. It is proposed to take this further in our action plan in the recommendation to: *'Conduct a youth-focused audit of spaces to understand how to create venues which meet the needs of young people.'* An action under this recommendation is to 'Link with Southwark Stands Together work on the public realm to ensure this work is taken into account'.

YOUTH REVIEW 2020

31. Following on from the recommendations made at the Serious Youth Violence Panel, it was agreed that a review and redesign of the youth service and associated youth and play grants programme was required. It was also an opportune moment to do this as the ACYPS had come to an end.
32. It was agreed that a set of recommendations and action plan would be developed to drive the transformation of services, ensuring that they are fit for purpose and enable the council to deliver its vision and aspirations for young people living in Southwark.
33. Young people aged between 10 and 19, or up to 25 for those with special educational needs or disability were within the scope of the review. This covered the important transition years of Year 6 and 7 and the transition at the end of college and sixth form to life beyond full time education.

34. The following objectives were set for the youth review:
- Mapping of the range of services that are provided currently across the borough and any potential gaps in provision (and quality) or geography with feedback from young people on the extent to which these services meet their needs and aspirations
 - The services and support that young people are looking for and their views on how these should be delivered, and by whom
 - The relationship between play and youth provision and whether the current approach is still fit for purpose
 - Analysis of the current usage of the Council's youth services, its fitness for purpose, and tests for duplication and join-up;
 - The priorities for the provision of services for young people;
 - A value for money assessment to test whether budgets are used to best effect and efficiency
 - The sustainability of activities of value that have been initiated by young people and the community through funding streams such as Positive Futures
 - Whether information about services for young people is readily available in a way that young people can access;
 - Gathering the views of parents and carers to identify their priorities for the provision of services for young people.
35. The ultimate objective of the review was to deliver a new vision and set of objectives for the provision of positive activities to support young people in the borough.
36. The objectives of the review have been addressed in the desktop research and the engagement and consultation work that was undertaken (which is detailed in the sections below). A table has been produced which illustrates how each objective has been met; please see Appendix 1. The proposed recommendations and action plan is based on the findings from the desktop research and the engagement and consultation work.

Desktop research

37. Desktop research was undertaken in a variety of areas: visual mapping of council services for young people; a review of existing council strategies with commitments to young people; and GIS mapping of our youth centres.
38. A visual map was created which illustrates the huge number of services offered to young people by the council and its partners. It also highlights that some of the youth offer is disjointed and there is an opportunity for more collaborative working.
39. A review of the existing council strategies that include commitments to young people was undertaken. This highlighted the large number of

strategies that reference young people and the opportunities for more joined up working. Four key themes were prominent across the strategies. These were (in order of frequency):

- 1) Learning and development
 - 2) Physical activity and maintaining a healthy weight
 - 3) Mental health and wellbeing
 - 4) Keeping young people safe.
40. GIS mapping of our current youth centres was also undertaken. A summary of the key findings are: four youth centres were located in the highest population category; four youth centres were located in the two highest excess weight categories; none of the youth centres were located in the highest income deprivation category and the highest child wellbeing scores were found in area near Kingswood House.

Engagement and consultation

41. The consultancy Shared Intelligence was commissioned to design and deliver a comprehensive and innovative engagement plan with young people, professionals and other stakeholders. The aim of this was to frame a new vision and objectives for the youth offer in Southwark which would form the basis of a new set of recommendations and action plan.
42. This part of the review looked at the total youth offer across the borough, and not simply the council's own service provision. The scope of the work included the following range of activities
- Universal activities provided directly or funded by the council including youth clubs, libraries, leisure centres, health programmes, work experience and adventure playgrounds
 - Specific activities funded by the council and delivered by the voluntary sector, example are, mentoring programmes, support for LGBTQ+ young people or, training in music and radio production,
 - Activities which receive no direct council funding e.g. sporting organisations, guides and scouts groups, basketball or football clubs
 - Activities or places used by young people but which might not always be thought of by adults as a 'youth offer', such as arts and cultural organisations, parks and open spaces
 - Other spaces relied upon by young people such as cafes and eating places.
43. A number of different methods of engagement were used which will be discussed below. A core group of three youth representatives (two Southwark Young Advisors and one Southwark Council apprentice) were involved throughout the engagement work. Please see Appendix 2 for Shared Intelligence's full report on the findings from the engagement.

Collaborative workshops

44. Three collaborative workshops were held between December 2019 – March 2020. The workshops brought together the three youth representatives and key council officers from Education, Children’s Services, Public Health, Communities, Local Economy Team and the Youth Council. The purpose of the workshops was to gain feedback from key individuals and to use this information to inform the future engagement work.
45. Examples of topics discussed included: identifying the needs of young people in Southwark and what the youth service should address; discussions on the results from the deliberative workshops and ethnographic fieldwork and what this tells us about the lives of young people in Southwark and their needs; a vision of the youth offer in Southwark; feedback on the emerging recommendations.

Deliberative discussions

46. Two deliberative workshop discussions took place in January 2020 with a variety of young people, parents and carers, commissioned youth organisations and Southwark Council officers. Each session had between 20 – 30 participants. The sessions took place in the north and south of the borough (Brandon youth centre and Dulwich Library) to ensure a wide range of participants across the borough could participate.
47. The aim of the sessions was to gather a range of perspectives about the needs of young people in Southwark and to test reactions to data. Real-time electronic voting was used to enable quick snapshots of the responses and Shared Intelligence prepared large printed templates to capture discussions about user needs.
48. The main theme to emerge from the discussions was that the focus of participants shifted from the idea of protecting young people from harm, to creating opportunities and supporting happiness and health. This was evidenced when they asked participants to rank what they felt the council’s primary focus should be. In both workshops ‘protection from harm’ was ranked the most important at the start of the session, but when the question was repeated at the end ‘happiness and health’ was ranked the highest. They also found that young people generally focused more on positive opportunities such as education and work, whereas professionals focused more on protection and support e.g. the need for role models, mental health support.

Ethnographic fieldwork

49. One of the most exciting aspects of Shared Intelligence’s approach was the ethnographic fieldwork. Ethnography is a research method where researchers observe and interact with participants in their real-life environment which seeks to bring about more authentic data. The aim of this work was to gather an in-depth picture of the lived experience of young people in Southwark.

50. The fieldwork was undertaken by our core group of youth representatives who were trained in ethnographic interview techniques. During the fieldwork nine young people, male and female, aged 12 – 19 were spoken to across a range of sites such as parks, eating places, shopping centres, libraries, a church, and a young person's home. Additional impromptu interviews with young people were also carried out.
51. The clearest messages from the ethnography are that young people want to create the youth offer, not just consume it, and they want help to achieve positive outcomes and not just protection against negative outcomes. A summary of the headline findings from the ethnography are below:
- There's a lot on offer in Southwark that young people enjoy e.g. libraries, fast food and casual dining places, Burgess Park BMX track, the David Idowu Choir, as well as activities provided by places of worship, and sports and leisure activities such as Swim and Gym.
 - However they don't associate the council with it. The existing channels used by the council aren't being engaged with by young people; instead they use their own networks to find things out.
 - There's a perception that a lot is missing in the borough. Young people often travel outside the borough to find affordable activities.
 - Young people want to be inspired, but are left searching for positive pathways to follow; this leads young people to create self-organised and informal coping mechanisms.
 - And for some the borough has an image problem. Moving around the borough is often seen as dangerous e.g. cars hitting bikes, bikes hitting people and parents often amplify this fear. As well as this, some young people mentioned a fear of crime and perceived there to be an absence of passive surveillance.

Online survey

52. A borough wide online survey was developed based on the responses from the deliberative discussions and ethnographic research. The survey was circulated to all secondary schools and year six classes in Southwark for two weeks. 407 young people and 14 parents and carers completed the survey. Overall, the survey respondents represented the younger end of the 10-19 range (with three quarters aged 10 – 11) and respondents were more likely to be female. In other respects, they were broadly representative of the borough population. Please see below key findings from the survey:
- Being able to do something physically active and having a place to hang out with friends were rated as most important (out of the list presented). This was followed by advice from older peers and people to talk to outside of their family about worries and concerns.

- Respondents tend to find out about things to do via friends, family, classmates and teachers, followed by ‘Google’, then ‘posters’. Social media scores low as a route for finding out as does local authority online information.
- Besides cost, ‘friends to go with’ is seen as the biggest inhibitor/enabler to attending youth activities, followed by location.
- The survey also included a number of open-text fields to enable respondents to describe in their own words what they liked or wanted. Physical activities, particularly Swim and Gym and football, feature strongly in the responses. Many young people also referred to visiting friends’ homes as a favourite place.

Feedback on initial recommendations

53. In March 2020 Shared Intelligence produced their initial recommendations on the future youth service as a result of their engagement work. Feedback on their initial recommendations was then gathered from key stakeholders throughout June - August 2020 prior to finalising our recommendations and action plan. A series of workshops, led by Shared Intelligence, were arranged with Southwark’s youth providers, adventure play staff, young people and parents. Please see below for summary of feedback from each session.

Southwark youth providers event

54. A youth provider celebration and consultation event was scheduled for March at Southwark Council’s Head Office. Unfortunately, due to COVID-19, this was postponed. The event, led by Councillor Akoto, took place virtually in June 2020 which 35 organisations attended. Please see below summary of key points gathered from the event:

- Young people need to feel ownership of spaces in order to be comfortable in them; this highlights the importance of co-design.
- There is a need to engage more with the most vulnerable young people in the borough; for example those who might not be captured by school survey data and would not engage with a council project.
- A recommendation is needed on pulling together all the resources and activities young people are including in their “self-made” youth offer.
- The recommendations lack the mention of formal education – what can these formal education institutions do in partnership with the council and providers?
- They would like to see closer working between council and youth providers to utilise their experience and knowledge of young people and the borough.

Adventure play workshop

55. One of the objectives of the youth review was to explore ‘the relationship between play and youth provision and whether the current approach is still fit for purpose.’ In light of this a workshop was arranged with Southwark Council Adventure Play staff, and staff from Dog Kennel Hill Adventure Playground and Bethwin Adventure Playground (our commissioned organisations) to review this relationship, and to feedback on Shared Intelligence’s initial recommendations. Please see below summary of feedback gathered from the event:

- All attendees agreed that Adventure Play service (AP) needs to be part of the wider youth offer and has an important part to play in bridging the younger and older age groups. There was a clear desire that Southwark should use existing services when thinking about the revamped youth offer.
- Staff felt there is a disconnect between the Youth and AP Service within the council and little understanding of why the split happened. There is a strong feeling that APs should be more closely (re)integrated with Youth.
- The age ranges of APs make it difficult to fit into a “youth offer” provision; APs often cater for both ends of the age range – families included – attending, right down to two years old and into late teens. However there was a feeling that being accessible to all age groups is a good thing.
- Every AP site is unique – each AP has its own character/offer and its own range of individuals they cater towards.
- There was a concern that if the council accepted the findings, they would design new solutions rather than making use of what already exists (i.e. their APs).

Young people’s workshop

56. The three youth representatives attended along with young people from our youth centres, YOS Peer Navigators, Latin American's women's youth group and Bede House (one of our commissioned organisations). Please see below summary of feedback gathered from the workshop:

- Diversity and representation are important; any “framework” for how youth services are run must hear the voices of different genders, races, cultures and religions.
- Young people agree that free activities are important. These activities should not just be sports (e.g. football). Other activities mentioned were mentors and supporting young people into work.
- Young people will travel if the end activity or destination is worth it.
- There was an agreement that youth centres need to change and be updated.
- There was an agreement that young people should be involved in developing services for other young people. If young people were able

to give their opinion on where money is most useful, then more young people will be motivated to use those services and go to youth clubs.

- Working in partnership with arts organisations was seen as very important as many young people want to pursue creative careers.
- There was an overarching feeling that it doesn't make sense that "community safety" has anything to do with youth services.
- Young people said they often just want somewhere to hang out which is unstructured.

Parent's workshop

57. A session took place with parents who were identified via council services they were engaging with e.g. Southwark Independent Voice, Early Help, parents of young people who attend council youth clubs etc. Parents were, overall, positive about the findings and recommendations. Please see below summary of key points:

- Crime, especially gang activity, was perceived to be a big issue in the community and some parents saw the role of the youth offer as being diversionary.
- Parents agreed that young people's voices needed to be heard and some suggested that a formal body like the youth parliament was a way of making sure it was not just volunteers.
- Pathways into employment and positive role models were very important to parents as was the link to education and training – especially at a time when young people are not in school and have had their education disrupted.
- There was some frustration with the council especially around communication and longer-term frustration at the closure of youth clubs and other youth services – particularly those doing outreach into communities.

Task and finish group

58. After the Southwark youth providers' event it was apparent that there was a need for further input from the youth providers who work with young people in our borough. The council therefore asked Shared Intelligence to facilitate a Task and Finish Group to enable youth providers to test, challenge, and contribute to the findings and recommendations in more depth.

59. The decision was taken that this could be most effectively carried out with a small group of youth providers who could meet on a number of occasions to look in greater detail at the emerging recommendation from the research. The membership of the group was decided through discussion between the council's project team and Shared Intelligence who had engaged with youth providers during the various workshops in the review process.

60. The Task and Finish Group was, overall, incredibly positive about the recommendations and therefore it was proposed that only small changes to the wording and minor amendments were needed rather than a complete reframing of the emerging recommendations. However Shared Intelligence, based on the feedback received, thought that the existing recommendations could be enhanced by a further two recommendations; these have been incorporated into the final recommendations and action plan.

KEY ISSUES FOR CONSIDERATION

The vision

61. Based on the findings from the review, we are recommending the following as the overarching vision for our youth offer:

We are committed to ensuring that young people have positive lives now and in the future – we will do this placing young people at the heart of future service design to ensure that young people influence decisions affecting their lives. We will ensure that our facilities are young people friendly, that services meet their needs and enable them to fulfil their potential.

The objectives

62. We are recommending the following as the objectives for the youth offer. We will:

- Develop a mechanism which enables greater involvement of young people in all elements of service design and delivery
- Use our resources to achieve the best possible outcomes for our young people
- Work with our partners from across the borough across all different sectors to unlock access to opportunities for our young people
- Ensure that information on services for young people across the borough is up to date and easily accessible
- Put in place robust processes to keep us to account and ensure we deliver our promises

Recommendations and Action Plan

63. Based on the review a number of recommendations and actions have been proposed. Please see Appendix 3 for the detailed recommendations and action plan. Please see below recommendations:

- a) Support young people to create, discover and take part in activities in the borough and make sure that these activities and spaces are affordable and accessible for all
- b) Create clearer pathways for

- young people to access information around careers advice, emotional wellbeing and personal development, and ensure this is easily accessible.
- c) Ensure that every young person, parent, carer and professional in the borough has access to up-to-date and comprehensive information about what is available.
 - d) Give young people influence on council decision-making (including the service offer, service development, the commissioning budget and any other appropriate youth issues), working alongside council officers and elected members.
 - e) Combine the Youth and Play grants scheme with the Positive Future Fund under the 'Positive Future for Young People Fund'. The new programme will be accessible to youth work organisations, arts and creative organisations, independent local suppliers and sports organisations. A proportion of this fund will be overseen by young people.
 - f) Conduct a youth-focused audit of spaces to understand how to create venues which meet the needs of young people. Based on these findings, present further recommendations to Cabinet detailing what role the council should have in the delivery of this provision
 - g) Utilise the extensive knowledge base and insights of youth providers across the borough to compliment the insights gained from young people and inform the council's policies and strategies for young people.
 - h) Work with the rich arts and creative sector, with businesses and sports across the borough, to broaden the scope of activities available to young people to enrich their lives.
 - i) Review where services for young people sit within the Council structure, and review the accountability and governance of the youth offer within the Council, to ensure the right balance between protecting young people from harm, and enabling them to enjoy an adolescence of hopefulness and fulfilled potential and
 - j) Undertake a reorganisation of the youth service to coordinate the delivery of the youth offer more effectively.
 - k) Establish a robust methodology to measure the success of the deliverables in the action plan.

Policy implications

64. This work will strengthen our ability to deliver a number of policy objectives. The recommendations and action plan directly links to the refreshed Council Plan 2018 - 2022 commitment to give children and young people 'a great start in life.' As part of this the council wants all children and young people in the borough to grow up in a safe, healthy and happy environment where they have the opportunity to reach their potential. The refreshed Council Plan states that the council will:

Invest in young people in Southwark, ensuring our youth services meet their needs and giving them a stronger voice in decisions which affect them.

65. The targets to deliver this commitment are as follows:
- Develop and deliver the appropriate governance structure and take forward the recommendations of the Youth Services review
 - Ensure that every young person, carer and professional in the borough has access to up to date and comprehensive information about what is available for young people
 - Ensure young people are central to shaping their provision in the future
66. The recommendations and action plan also link to the 'Southwark Together' commitment which promises to, 'Commit to root out inequalities by implementing the recommendations from the *Southwark Stands Together* work against racial inequalities and injustice.' The youth service will ensure they work closely with the Southwark Stands Together programme on work streams for young people.
67. The council value to 'spend money as if it were from our own pocket' will always be adhered to when delivering the recommendations and action plan.
68. As noted in paragraph 37, desktop research was undertaken which highlighted that many strategies across the council include commitments to young people. The recommendations and action plan supports a number of these key strategies, and reviews, across the council:
- Cultural Strategy 2017 – 2022
 - Extended Learning Review on Community Harm and Exploitation
 - Health and Wellbeing strategy 2015 – 2020
 - Healthy Weight Strategy 2016-2021
 - Knife Crime and Serious Violence Action Plan 2018-20
 - Libraries and Heritage Strategy 2019-2022
 - Special Educational Needs and Disability (SEND) Education Provision Strategy 2018 - 2021
 - Southwark Skills Partnership Delivery Plan 2019-2022
 - Sport and Physical Activity Strategy - Active Southwark 2019 – 2023
 - Volunteering Strategy 2017 – 2020
 - Youth Justice Plan 2019 - 2020

Community impact statement

69. The Public Sector Equality Duty 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 to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The youth review included a significant engagement programme in which young people,

families and stakeholders were consulted with; this was specifically designed to be inclusive and accessible to all by providing a range of opportunities to engage. Information on protected characteristics was also gathered as part of this.

70. The recommendations in this report are based on engagement with a wide range of individuals across the community. Young people, parents and carers and our partners who deliver youth work in the borough have been involved throughout the review; over 550 people have all participated in some way in the process of developing our recommendations and action plan.
71. The importance of ensuring that diversity of experience informs our decision making has been key throughout the review, and this has been achieved through delivery of the engagement programme. As detailed in the Equalities and Health Analysis report we engaged with young men and women from a wide range of backgrounds, ages, and faiths.
72. A central theme of the proposed action plan is the need to continuously hear the voices of a diverse spectrum of young people and understand their needs so that the youth offer continues to be relevant. There are many specific actions in our action plan which help ensure that activities and opportunities are inclusive and accessible to all young people. The action plan commits to addressing the inequalities that some young people face in accessing a range of activities including arts, sports, leisure.
73. The continuing consultation will be designed to ensure it is accessible to young people with protected characteristics including disability, age, race, religion or belief, sex and sexual orientation.
74. In addition, hearing the voices of parents and carers and youth providers in the community continuously is also central to the action plan. For example, parents and carers will be consulted with during the design and implementation of the live information portal. Youth providers from across the community will also be engaged with continuously through quarterly meetings and annual surveys.
75. The organisations that will be supported under our grant programme will be required to provide monitoring information that demonstrates their commitment to inclusion. In particular, all organisations will be required to provide information on the ethnicity and gender of their participants and staff and demonstrate that they comply with equalities legislation.
76. Any further actions agreed as part of the youth offer will be subject to their own specific equalities assessment to ensure that any future potential negative impact on any groups or protected characteristics as defined in the Equality Act 2010 is addressed and mitigated where possible.

77. In summary, the process of engagement as described in this report has been conducted with due regard to the various protected characteristics under the Equality Act 2020 as set out in the Equalities and Health Analysis. There will continue to be due regard to the impact on those with protected characteristics in the ongoing development of the strategy.

Resource implications

78. The recommendations and action plan will be delivered by posts that will be identified as part of the initial review.

Legal implications

See below supplementary advice from Director of Law and Democracy

Financial implications

79. There are no immediate financial implications arising from this report. Any other financial implications arising from the recommendations from this report will be subject to further reports confirming the sources of funding.
80. Staffing and any other costs connected with this report are to be contained within existing business unit budgets.

Consultation

81. As noted in paragraphs 41 - 60 significant consultation and engagement work has taken place with young people, parents and carers and youth providers as part of the youth review.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

82. Councils have a statutory duty to “secure, so far as is reasonably practicable, sufficient provision of educational and recreational leisure-time activities for young people” and to make sure young people have a say in the local offer in accordance with Section 507B, Education Act 1996. This report sets out how the council has carried out an assessment of needs for this provision and other aspects of provision for young people in the Borough, and has established a plan to meet this duty.
83. As a part of this, the council has engaged in extensive consultation, including with young people in the Borough, as required by the statutory duty. The ongoing input of young people into the further planning and outworking of the youth strategy is also set out in the report.
84. There is a common law duty when carrying out consultation, to take the results of the consultation into account in any subsequent decision making and this report sets out the feedback received from the various consultation

processes. Cabinet will need to give due regard to this feedback in its deliberation of the recommendations.

85. Under section 149 of the Equality Act 2010, in making this decision, the Cabinet must comply with its public sector equality duty which requires it to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 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.
86. The equalities analysis appended to the report indicates how the council has had regard to the various protected characteristics in carrying out this review and in formulating a new strategy. The community impact assessment above also indicates that the public sector equality duty will be given ongoing consideration in the further development of the various strands of the strategy. These are all relevant matters that the Cabinet should give due regard to, in considering this report.
87. The review and establishment of a youth strategy is an executive function which can be determined by the Cabinet in accordance with the Local Government Act 2000 and Part 3B of the council's Constitution.

Strategic Director of Finance and Governance (FC20/019)

88. This report seeks the approval of the cabinet for the recommendations mentioned in paragraphs 1 to 8. Full details and background are contained within the main body of the report.
89. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Activities for Children and Young People in Southwark strategy 2017 - 2020	Environment & Leisure Department / 160 Tooley Street	Aileen Cahill 07850 541089
Link (please copy and paste into your browser): http://moderngov.southwarksites.com/documents/s65494/Appendix%201%20Activities%20for%20Children%20and%20Young%20People%20in%20Southwark%20a%20strategy%20for%202017-2020.pdf		
Commissioned Youth and Play Service extension 1 April 2020 to 31 March 2021	Environment & Leisure Department / 160 Tooley Street	Aileen Cahill 07850 541089
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s86955/Report%20Youth%20and%20Play%20service%20grants%20extension%202020.pdf		
Review of council strategies slides	Environment & Leisure Department / 160 Tooley Street	Catherine Snell 07547 565321
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6664&Ver=4		

APPENDICES

No.	Title
Appendix 1	Objectives of youth review table
Appendix 2	'A review of provision for young people in the London Borough of Southwark' – Shared Intelligence's report on findings from the engagement
Appendix 3	Recommendations and action plan
Appendix 4	Youth Services Review Joint Equality and Health Analysis

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People & Schools	
Lead Officer	Rebecca Towers, Director of Leisure	
Report Author	Aileen Cahill, Head of Culture	
Version	Final	
Dated	26 November 2020	
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	No
Cabinet Member	Yes	No
Date final report sent to Constitutional Team		26 November 2020

Item No. 15.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Gateway 2 – Contract Award Approval for Southwark Highways Professional Services Contracts	
Ward(s) or groups affected:		Borough wide	
Cabinet Member:		Councillor Catherine Rose, Leisure, Environment and Roads	

FOREWORD – COUNCILLOR CATHERINE ROSE, CABINET MEMBER FOR LEISURE, ENVIRONMENT AND ROADS

In December 2018, cabinet agreed a new procurement strategy for its highways works and professional services contracts. For the professional services that strategy included enhancing the current in-house design and project management team, whilst continuing to let out contracts for peaks in work flows and specialist activities.

The services to be contracted out have been separated into three disciplines. Lot A is for Structures design, project management and inspections. Lot B is for Highways studies, design and project management. Lot C is for Drainage funding requests, design works and project management. Companies were invited to tender for this work in July 2020 and submitted bids for these three lots of work in August 2020.

Five companies made submissions for lot A, five companies made submissions for lot B and four companies made submissions for lot C. This report sets out the scoring for those bids and recommends that Tenderer H is awarded lot A and Tenderer D is awarded lots B and C on the basis of price, quality and social value.

RECOMMENDATION

1. That the Cabinet approves the award of the Southwark Highways Professional Services Contracts in three lots commencing on 01 April 2021 for an initial duration of five years at an estimated cost of £8,750,000 with an option for the council to extend for up to two further years at a cost of £3,500,000 making the total contract value of £12,250,000 if the two years extension is exercised;
 - Lot A Structures to Tenderer H
 - Lot B Highways to Tenderer D

- Lot C Drainage to Tenderer D.
2. That the cabinet delegates to the strategic director of environment and leisure the decision to exercise the option to extend the contracts, approval for which will be sought via a Gateway 3 report.

BACKGROUND INFORMATION

3. This Gateway 2 Contract Award Approval Report relates to the Gateway 1 Procurement Strategy Approval for Southwark Highways Works Contracts that was approved at Cabinet on 11 December 2018.
4. That Gateway 1 and the corresponding Gateway 0 approved enhancing the internal design team. It is likely this will involve the transfer of currently out-sourced resources into the Council.
5. These services are currently being provided by Conway Aecom Ltd, which is a joint venture between FM Conway Ltd and Aecom Ltd, under the Highways and Professional Services (HAPS) Contract Lot C Professional Services. As detailed in the Gateway 1 report two works contracts were procured under separate cover with both being awarded to F M Conway Ltd which commenced on 01 July 2020.
6. The HAPS contract commenced on 1 April 2013 for a duration of 6 years taking the contract through to an original expiry date of 31 March 2019. The contract allowed for an option for Southwark Council to extend the contract for any duration of up to two years by informing Conway Aecom in writing with a minimum of three months notice. Following careful consideration, reviews of market conditions and due process contract lots A and B were extended until 30 June 2020 with lot C extended until 31 March 2021.

Summary of the business case/justification for the procurement

7. Under the Highways Act 1980 Southwark Council, as Highway Authority for most of the public roads and pavements within the borough of Southwark, have a responsibility to ensure those public highways are maintained to a safe standard. This will cover everything from a standard “pothole” repair to gritting the roads and pavements deemed necessary during freezing conditions and snowfall. In addition to these statutory duties the council also has a responsibility to endeavour to improve the highway network where feasible. This is carried out by capital funding which can be from Southwark’s own budgets or from external partners such as Transport for London (TfL) or through developers Section 106 / Community Infrastructure Levy (CIL) funds. The contract arrangements have flexibility to accommodate uncertainty over future budget levels, particularly where these funds are from external sources.
8. Improvements to the highways network will help the council achieve a number of their Fairer Future Commitments. Improvements to the

footways and cycleways will encourage residents and visitors to adopt a more sustainable mode of transport than a motor vehicle, to help provide a greener borough and encourage more active and a healthier life. In particular, this service aims to support theme 3 – a greener borough, theme 5 – a healthier life and theme 8 – a vibrant Southwark. A number of highway improvement schemes are implemented alongside other initiatives to help create a vibrant Southwark.

9. The services in scope can be summarised as follows:
 - a) Feasibility studies including funding requests
 - b) Site investigations and surveys prior to design works
 - c) Concept design of improvement / major maintenance schemes
 - d) Detailed design of improvement / major maintenance schemes
 - e) Project Management of improvement / major maintenance schemes
 - f) Inspection and monitoring of structures (lot A only)
 - g) Principal Designer responsibilities under Construction Design and Management Regulations 2015
 - h) Stakeholder / asset owner engagement
 - i) Presentations at public consultations, council meetings etc
 - j) Construction supervision.

10. Although there are many challenges and pressures placed upon it, Southwark Council has a highway network to be proud of. In the 2017 National Highways and Transport Surveys Southwark achieved “Best in Country” in nine categories and “Best Improved” in seven categories. In 2018 Southwark Council went one better and were awarded the National Transport Local Authority of the Year. In 2019 and 2020 Southwark were ranked second, out of the 111 Highway Authorities who took part, in Highway Maintenance and Condition of Highway. Southwark Council know they have to continue to improve to provide the best possible highway network for the residents, businesses and visitors to Southwark.

OPTIONS AND CONSIDERATION

11. In early 2018 a project board was developed to consider the most appropriate method of delivering the highways services once the HAPS contract expires. A number of meetings and discussions were held with Southwark officers, suppliers and other Highway Authorities, which have allowed Southwark to review the success and issues of the current contract and consider different options including possible joint working with neighbouring boroughs.

12. All three lots of the HAPS contract were awarded to the Joint Venture Conway Aecom Ltd as the tender assessment concluded this was the most beneficial option. However, the perceived benefits of having an integrated contract including the maintenance functions, project delivery and professional services delivered under one contract have not materialised. Following appraisal, a decision was taken to recommend separate contracts for works and professional services.

13. A workshop was held with the project board and other strategic heads of service within the environment and leisure department to consider the various tasks required of the highway service and review the most effective methods to deliver them. This review considered in-house delivery and external provision for the full range of tasks and functions.
14. For the tasks where it was considered that outsourcing was the most appropriate delivery option these were split into the separate works and professional services packages. These were then further split into the most appropriate lots for each contract.
15. For the works contract these were split into two lots. Following a competitive tender exercise and evaluation both lots were awarded to FM Conway Ltd and commenced on 01 July 2020 for an initial period of five years and nine months, with contract extensions of up to two years available.
16. To provide continuity of service it was agreed to extend the HAPS professional services element of the contract until 31 March 2021.

Benchmarking

17. The council is the highway authority for the majority of public roads within Southwark. This places an obligation on the council to ensure these roads are maintained to a safe standard to allow movement of people and vehicles. Highway improvements are essential to allow regeneration for the ever growing population and improve safety. These improvements require some professional service input and all authorities in London rely on outsourced provision for at least some of these services. The professional services market is very competitive throughout the UK and especially in London due to the close proximity of 34 different highway authorities (32 London Boroughs, City of London and TfL) and the number of major development sites that require roads, pavements, cycleways, open spaces etc.
18. The current HAPS contract was tendered at a time when, according to the Office for National Statistics, the UK was slowly recovering from an economic recession and construction output figures were in steady decline. However, the recent construction output figures from the Office for National Statistics indicate little recovery and some sectors, including public, are still in decline.
19. There are a number of consultants capable of delivering structures, highways and drainage design and project management services for Southwark Council ranging from relatively small family run businesses to multi-national and multi-disciplined conglomerates.

Description of procurement outcome

20. As per the Gateway 1 report the Southwark Highways Professional Services Contracts were procured under the EU restricted procedure in three lots:
- Lot A – Structures
 - Lot B – Highways
 - Lot C – Drainage
21. These services contracts have been procured so that the start date immediately follows the expiry of the current HAPS Contract lot C. This is to ensure continuous provision of these essential services. The contract will have an initial duration of five years with an option for the council to extend for up to two further years.
22. As this report requests approval to award the contracts for the maximum period including the extension it is requested the decision on the award of the extension is delegated to the Strategic Director of Environment and Leisure.
23. The details of the latest anticipated values of the contracts are shown in the table below:

Table 1 – Estimated values of Southwark Highways Professional Services Contracts

Year	£000's		
	Lot A	Lot B	Lot C
	Structures Inspections and Design Capital	Highways Design & Management Capital	Drainage incl. SUDS Capital
2021/22	500	800	450
2022/23	500	800	450
2023/24	500	800	450
2024/25	500	800	450
2025/26	500	800	450
2026/27	500	800	450
2027/28	500	800	450
Total	£3,500	£5,600	£3,150

Key / Non Key decisions

24. This is a key decision.

Procurement project plan (Key Decision)

25. Table 2

Activity	Completed by/Complete by:
Forward Plan (If Strategic Procurement) Gateway 2	30/10/2020
Invitation to Tender	14/07/2020
Closing date for return of tenders	28/08/2020
Completion of evaluation of tenders	12/10/2020
CM Review Gateway 2	12/11/2020
DCRB Review Gateway 2	06/11/2020
CCRB Review Gateway 2	19/11/2020
Notification of forthcoming decision – despatch of Cabinet agenda papers	26/11/2020
Cabinet Approval of Gateway 2: Contract Award Report	08/12/2020
End of Scrutiny Call-in period and notification of implementation of Gateway 2 decision	23/12/2020
Alcatel Standstill Period	21/12/2020
Contract award	04/01/2021
Add to Contract Register	18/01/2021
Publication of award notice in Official Journal of European (OJEU)	09/04/2021
Publication of award notice on Contracts Finder	09/04/2021
TUPE Consultation period (if applicable)	31/03/2021
Contract start	01/04/2021
Contract completion date	31/03/2026
Contract completion date – if extension(s) exercised	31/03/2028

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

26. The key objectives identified in the procurement strategy will be delivered in lots as detailed below:

- Lot A Structures – Tenderer H.
- Lot B Highways – Tenderer D.
- Lot C Drainage – Tenderer D.

27. The contracts are NEC4 Term Service Contracts with minor amendments to suit Southwark Highway requirements with a Price List.

Policy implications

28. Having an effective highways service is an important component of delivering the councils plan and fairer future commitments. In particular theme 3 – a greener borough, theme 5 – a healthier life and theme 8 – a vibrant Southwark will benefit from this service.
29. The highways service provides key support to the council's movement plan.

Tender process

30. A comprehensive suite of Selection Questionnaire (SQ), Invitation To Tender (ITT), contract, scope and pricing documents were compiled. Sharpe Pritchard, the council's framework legal support provider, compiled the legal and contract documents.
31. Prior to the issue of the SQ an open invitation market engagement workshop for potential suppliers was held at the council's Tooley St offices where the contracts, services, social value aspects and tender process were discussed. There was a question and answer session and an opportunity for networking.
32. The restricted process is a two stage process.
33. For all three lots, the first stage was a SQ where potential bidders applied to be shortlisted for an ITT. All potential bidders needed to supply company or organisation details along with their experience of providing similar services elsewhere.
34. The contracts were advertised on 24 January 2020 through the OJEU and contracts finder website. The SQ documents, including the full suite of tender, contract, specification and pricing documents, were made available on 27 January 2020 to potential bidders through the Pro-Contract 3 procurement portal.
35. For lot A eight SQ responses were received, for lot B eight SQ responses were received and for lot C six SQ responses were received. Four organisations applied for all three lots, three applied for lots A and B, one applied for lots B and C and the remainder applied for one lot only.
36. All the responses were evaluated in line with SQ evaluation guidance to ensure those organisations applying for inclusion in the ITT stage met the required criteria. From this evaluation:
- five organisations were invited to tender for lot A
 - six were invited to tender for lot B and

- five organisations were invited to tender for lot C.
37. Tender documents were issued to all those selected for ITT for each lot on 14 July 2020.
38. Tenders were received from all five tenderers on lot A, five tenderers on lot B and four tenderers on lot C. One organisation who was invited to tender for both lots B and C withdrew from the process.

Tender evaluation

39. The price, quality and social value for each tender was evaluated using the weightings listed below:
- Price 45%
 - Quality 45%
 - Social value 10%
40. Each tender submission for each lot was checked for compliance in accordance with the ITT Evaluation Criteria document.
41. The quality submissions were issued to each of the quality assessors. These submissions were individually scored by each assessor. A consensus quality score meeting was held where the quality score for each tenderer was agreed.
42. The price evaluation for each lot was completed by the Project Manager. In lot A there are three elements to the price which are time charge, lot specific sample briefs and inspections. In lots B and C there are two elements to the price which are time charge and lot specific sample briefs. The figures and calculations were checked and verified as accurate by the Procurement Business Partner.
43. In line with council's Fairer Future Procurement Framework social value benefits were included as part of the tender. Each tenderer had to submit a commitment against a number of pre-determined themes which gave a monetary value of the social value benefits of that commitment. They also had to provide a method statement of how they intended to carry out this commitment. The evaluation of the social value qualitative and quantitative scores was carried out by Social Value Portal Team under their agreement with Southwark Council.
44. The scores for lot A are shown below:

SHPS lot A summary

	Price (not incl lot discount)	Quality	Social value
Tenderer A	29.17	27.00	6.08
Tenderer E	19.91	18.00	8.00

	Price (not incl lot discount)	Quality	Social value
Tenderer F	19.48	34.40	4.46
Tenderer G	25.86	18.00	3.82
Tenderer H	42.42	31.00	4.54

45. The scores for lot B are shown below:

SHPS lot B summary

	Price (not incl lot discount)	Quality	Social value
Tenderer A	31.38	28.60	9.00
Tenderer B	27.94	25.20	4.94
Tenderer D	36.75	31.00	6.15
Tenderer F	15.51	31.20	4.29
Tenderer H	39.91	29.40	4.54

46. The scores for lot C are shown below:

SHPS lot C summary

	Price (not incl lot discount)	Quality	Social value
Tenderer A	24.59	27.00	9.00
Tenderer C	19.00	19.60	3.33
Tenderer D	40.57	36.00	6.15
Tenderer H	35.85	36.00	4.81

47. Tenderers who were invited to tender for more than one lot were given the option of providing a price discount for the award of more than one lot. The price scores for each lot were re-assessed against the amended prices including the discounts in line with the tender evaluation document. The summary table is below:

SHPS Lot Discount Evaluation Summary

Options with discount included	Lot A	Lot B	Lot C	Total	Rank
Best lot A individual + best lot B individual + best lot C individual	77.47	73.17	81.92	232.56	3
Best lot A and lot B combined + best lot C individual	77.96	73.57	81.92	233.45	2
Best lot A and lot C combined + best lot B individual	77.89	73.17	76.34	227.41	5
Best lot B and lot C combined + best lot A individual	77.47	73.90	82.73	234.11	1
Best lot A, lot B and lot C combined	78.25	73.83	76.64	228.73	4

48. This demonstrates that the most economically advantageous tender combination is the best lot B and lot C combined + best lot A individual tenders.
49. Therefore, the recommendation is to award the lots as detailed below:
- Award Lot A Structures contract to Tenderer H
 - Award Lot B Highways contract to Tenderer D
 - Award Lot C Drainage contract to Tenderer D.

Plans for the transition from the old to the new contract

50. As part of the HAPS contract the incumbent supplier needs to provide an exit strategy document. An exit strategy for the works contracts has been compiled and issued to the council. This will need updating to include lot C professional services.
51. Some staff currently employed by the incumbent supplier may have rights to transfer to the council or successful tenderer under the TUPE regulations. Information has already been obtained from the incumbent supplier and the transfer process will commence at the earliest opportunity in line with TUPE requirements.
52. Other than for those who will transfer to the council, the transfer of employees under TUPE will be a matter for the incumbent supplier and the new providers. The council is required to use its reasonable endeavours to ensure that all parties comply with their obligations under TUPE.
53. The Mobilisation Plan allows sufficient time for the parties to comply with their respective obligations under TUPE Plans for monitoring and management of the contract.

54. The professional services contracts will be managed by officers from the Highways Division.
55. A series of Key Performance Indicators (KPIs) have been included for each lot and they will be used to measure the consultant's performance.
56. In addition to the KPIs the consultants will report their social value performance with the required evidence to Social Value Portal each quarter. For each theme that the consultant has made a commitment against the consultant will report their performance and provide evidence against the projected commitment to Social Value Ltd. Social Value Portal will then verify this and report this to the council. Where commitments have not been met, this may be offset against other themes with the agreement of the council with an action plan put in place to meet the requirements in future.
57. The contract includes performance payments which will only be paid on acceptable performance by the consultants. There are defined escalation steps to be taken in the event of the consultant failing to provide the services as specified.
58. Officers will also produce Annual Performance Reviews in line with the council's Contract Standing Orders.

Identified risks for the new contract

59. Please refer to table 3 below

Table 3 Risk Table

No	Risk	Risk rating	Mitigation
1	Successful challenge to award decision	M	Measures were taken to ensure the procurement was carried out in line with EU / UK regulations and guidance. The evaluation methods were clearly identified within the procurement documents and the evaluation was carried out as stated and verified.
2	As some transferees will be assigned to the council and some to the new providers this could make the process complex	M	Anonymised details of staff who may have transfer rights has been requested and received. The details of staff who may have the right to transfer to each new provider was issued to tenderers on receipt of a confidentiality agreement.
3	The staff and officers working on the existing	L	The works contracts and the professional services contracts are

No	Risk	Risk rating	Mitigation
	contract have been used to a joint venture relationship whereas the new service is via two contracts split into lots.		written to provide a clear distinction in responsibilities and duties. Detailed processes will be agreed between each party.
4	The new contract is based on the NEC4 form of contract which is a relatively new form of contract	L	On-line training in the new contract has been provided for staff.
5	Ongoing working restrictions due to Covid 19 during mobilisation and contract period	L	As part of the quality submission each tenderer had to detail their business continuity plans for working through Covid 19 or similar restrictions

Community impact statement

60. People in all areas of the borough are affected by the quality of the public highway and its assets.
61. The very young, the disabled and the elderly would benefit the most by having a footway network which is well maintained and safe to use.
62. By providing a comprehensive and safe cycling network, the council will encourage the growth in cycling within the borough which in turn will help improve air quality.
63. The award of new contracts or delivering some of the services directly is not considered to have any detrimental impact on local people and communities.
64. The impact of the service will affect all communities / groups, residents, businesses, visitors and those that pass through the borough and will in turn improve the quality of life to all. Direct benefits are a well maintained infrastructure which makes an important contribution to the safety of all.

Social Value considerations

65. The contract has been written, and the procurement has been carried out, in line with the Fairer Future Procurement Framework.
66. The contract will include the social value commitments made by each successful tenderer for each lot in their social value submission. These include, amongst other things, the following commitments:
 - Local employment
 - Support for young people

- Support for people with disabilities
 - Formal training
 - Support to Voluntary, Community and Social Enterprise
 - Using the local supply chain
 - Staff wellbeing
 - Support / contributions to local community projects
67. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well being of the local area can be secured. The social value considerations included in the tender (as outlined in the Gateway 1 report) are set out in the following paragraphs in relation to the tender responses, evaluation and commitments to be delivered under the proposed contract.
68. The social value commitments are valued at:
- For the Lot A Structures contract Tenderer H have committed £61,124 over the initial five years of the contract.
 - For the Lot B Highways contract Tenderer D have committed £393,537 over the initial five years of the contract.
 - For the Lot C Drainage contract Tenderer D have committed £124,390 over the initial five years of the contract.
69. The social value benefits of the contracts, over the full duration of the contracts, include:
- Employment of local people, long term unemployed and Not in Education, Employment or Training (NEETs)
 - Employment of four apprentices on lot A and eight apprentices on lot B
 - Support for the unemployed and school / college leavers to gain employment
 - Spending commitments for London businesses through their supply chain
 - Reduction in CO₂ emissions
 - Voluntary time and donations to local community projects

Economic considerations

70. As the council explores ways it can continue to deliver value for money, it is essential that it makes even better use of its resources to meet the needs of residents and businesses in the borough.

Social considerations

71. The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, development partners engaged by the council to provide services within

Southwark pay their staff at a minimum rate equivalent to the LLW rate. Both Tenderer H and Tenderer D have confirmed they, and their suppliers where required, comply with these requirements.

72. Through the Selection Questionnaire process both successful tenderers demonstrated that they acknowledge and meet the legal requirements around an individual's rights to be members of trade unions.
73. Through the tender process both successful tenderers advised of their commitment to equal opportunities within the professional technical services industry when delivering these services.
74. Under the SQ process the council ensured all companies offered an ITT provided assurances regarding blacklisting. The opportunity to tender can exclude companies who break the law by blacklisting if they are either still blacklisting or have not put into place genuine actions concerning past blacklisting activities. The council can require "self cleaning" which enables a potential contractor to show that it has or will take measures to put right its earlier wrongdoing and to prevent them from re-occurring and to provide evidence that the measures taken by the economic operator are sufficient to demonstrate it has:
 - "Owned Up": clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities
 - "Cleaned Up": taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct, and
 - "Paid Up": paid or undertaken to pay compensation in respect of any damage caused.
75. Both successful tenderers confirmed their compliance with the council's policy on gender and ethnicity pay gaps as detailed within their Fairer Future Procurement Framework submissions.

Environmental / Sustainability considerations

76. The services will be provided with consideration for Environmental and Sustainability impacts. All the designs for works will also ensure there is minimal impact on the environment and sustainability.

Market considerations

77. Both Tenderer H and Tenderer D provide professional services to a number of London Boroughs including term and framework contracts.
78. It is also worth noting that both Tenderer H and Tenderer D have local offices (as defined in the Social Value documents) which supports the council's commitment to local enterprises.

Staffing implications

79. In line with the Gateway 0 and Gateway 1 reports the current in-house design and project management team within the Highways Division will be enhanced. Those staff on the current contract will be given the option to transfer to the employment of the council to undertake this. If the number of staff who decide to transfer is insufficient to complete this task a recruitment process will commence.

Financial implications

80. The proposed contract does not commit the council to any minimum contract value as the estimated contract values reflected in the report are indicative and will be subject to funding available from revenue and capital budgets.
81. The Highways budgets indicated in the table below for future years are indicative only and will require approval through the council's annual budget setting process for both revenue and capital budgets. Similarly Transport for London (TfL) / Local Implementation Plan (LIP) / Development (Dev't) funding will also require confirmation from respective authority.
82. Staffing and any other costs connected with this report will need to be contained within existing departmental revenue budgets.
83. The current and proposed highways capital budget's which covers both works and professional services are detailed in the table below.

Table 4 – Estimated highways budgets

Year	£000's					
	London Borough of Southwark Capital	Structure capital	TfL LIP (m'ance)	TfL LIP (schemes)	Dev't	Total
2020/21	5,400	450	0	1,000	750	7,600
2021/22	4,400	450	250	1,000	750	6,850
2022/23	4,800	450	250	2,000	750	8,250
2023/24	4,200	450	250	2,000	750	7,650
2024/25	4,200	450	250	2,500	750	8,150
2025/26	4,200	450	250	2,500	750	8,150
2026/27	3,900	450	250	3,000	750	8,350
2027/28	4,200	450	250	3,000	750	8,650
2028/29	4,900	450	250	3,000	750	9,350
Total	40,200	4,050	2,000	20,000	6,750	73,000

Investment implications

84. There are no investment implications in this report.

Legal implications

85. Please see concurrent from the Director of Law and Democracy

Consultation

86. As detailed in paragraph 31 an open invitation market engagement workshop for potential suppliers was held prior to the Selection Questionnaire process.

87. Individual projects and initiatives will require public consultation.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (EL20/056)

88. The strategic director of finance and governance notes the recommendation to Cabinet to approve the award of the Southwark Highways Professional Services Contracts in 3 lots commencing 01 April 2021 for an initial duration of five years at a cost of £8,750,000 with an option for the council to extend for up to two further years at a cost of £3,500,000 making the total contract value of £12,250,000 if the two years extensions are exercised.

89. The strategic director of finance and governance also notes the evaluation of the procurement and the financial implications as detailed within the report. Contract expenditure will be monitored on a regular basis as part of the departmental capital and revenue monitoring process.
90. Officer time to effect the recommendations will be contained within existing budgeted resources.

Head of Procurement

91. This report seeks approval from Cabinet to award the Southwark Highways Professional Services Contracts which is split into three lots to lot A – Tenderer H and lots B and C to Tenderer D. Contracts will commence on 01 April 2021 for an initial duration of five years at a cost of £8.750m with an option for the council to extend for up to two further years to 31 March 2027 at a cost of £3.5m making the total contract value of £12.250m if the two years extensions are exercised.
92. The contracts were tendered in line with EU Public Contracts Regulation 2015 and the councils contract standing orders (CSO) using a 2 stage restricted process of SQ and ITT.
93. The evaluation of this procurement are detailed in paragraphs 39 to 50, the ITT scoring criteria was split price 45% / quality 45% and social value 10% and transition from existing contract to new contracts including TUPE is detailed in paragraphs 51 to 59.
94. Social value commitments will be managed by the Social Value Team, who will provide information to council's contract management team to feed into quarterly review meetings.

Director of Law and Democracy

95. This report seeks approval of the award of the Southwark Highways Professional Services Contracts in 3 lots, as detailed in the Recommendation at paragraph 1.
96. The procurement of the services described in this report will assist the council to fulfil its statutory duties as local highway authority.
97. The procurement of the services required by the council is subject to the application of the (EU) Public Contracts Regulations 2015 ("PCR"). The process which has been followed is consistent with the procurement strategy approved previously, and is compliant with the PCR, domestic legislation, relevant corporate policy and the requirements of the council's Contract Standing Orders ("CSOs").
98. Paragraphs 52 to 54 explain the effect and impact of the TUPE regulations on the proposed contract awards.

99. The proposed contract lot awards are in relation to a strategic procurement as defined in CSOs, which means that the decision to approve the report recommendations is one which is expressly reserved to the Cabinet, after consideration of the report by the corporate contract review board.
100. In making procurement decisions Cabinet should be mindful of the Public Sector Equality Duty under section 149 of the Equality Act 2010, and to have regard to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion, religion or belief, sex and sexual orientation. The duty also applies to marriage and civil partnership but only in relation to (a). Cabinet is specifically referred to the community impact statement set out from paragraph 61, which notes the consideration that has been given to equalities issues.

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Title of document(s) Gateway 0 – Strategic Options Assessment for 2019+ Highways Services Delivery Options	Highways Division, Environment & Leisure Dept, 160 Tooley St.	Phone number Jason White 020 7525 4032
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s76582/Report%20Gateway%200-0-%20Strategic%20Options%20Assessment%20for%202019%20Highways%20Services%20Delivery%20Options%20and%20C.pdf		
Gateway 1 – Procurement Strategy Approval for Southwark Highways Works Contracts	Highways Division, Environment & Leisure Dept, 160 Tooley St.	Phone number Jason White 020 7525 4032
Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s79147/Report%20Gateway%201%200-0-%20Procurement%20Strategy%20Approval%20for%20Southwark%20Highways%20Works%20Contracts.pdf		

APPENDICES

No	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Catherine Rose, Leisure, Environment and Roads	
Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Jason White, Highways, Environment and Leisure	
Version	Final	
Dated	26 November 2020	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Democracy	Yes	Yes
Director of Exchequer (for housing contracts only)	N/a	N/a
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		26 November 2020

Item No. 16.	Classification: Open	Date: Open	Meeting Name: Cabinet
Report title:		Draft Housing Allocations Scheme for consultation	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD - COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

At the time of writing over 14,000 households are waiting for a secure and affordable home on Southwark’s housing register, following a sharp spike in applications during the Covid-19 pandemic. Behind these figures are stories of families living in overcrowded homes, delaying key life decisions due to extortionate housing costs, health and wellbeing problems linked to housing, children’s educational attainment and younger people’s ability to invest in themselves and their futures thwarted.

With unemployment having doubled in Southwark, growing rent arrears and continuing uncertainty around the Government’s post-Pandemic evictions freeze in the private rented sector, the rising pressure on our council housing waiting list makes the need to refine the criteria around how we prioritise access as immediate as it has ever been.

The new housing allocations scheme this report commits us to consult on in the new year aims to use our allocations rules towards building strong, sustainable communities formed around our council homes, while providing a fair, transparent, consistently applied and easily understood set of criteria for residents bidding for homes and for housing association partners. We have aimed to balance the need to support residents with most acute medical and welfare needs and those who overcrowded or without a home, while guarding against the residualisation of council housing and maintaining its status as providing for all stages of life.

Among the changes in this consultation we are proposing to increase the priority given to victims of domestic violence, as well as for care leavers, foster carers and families adopting children and needing larger accommodation. We are also making proposals to help homeless households find new ways of settling down.

We are also introducing a greater degree of flexibility to reflect local circumstances on our local lettings schemes on new build council homes - to strengthen the local community benefit as well as to maximize the wider chain of benefit from new homes.

Alongside this new scheme, we are also jumpstarting a number of initiatives to help enable more lettings through the system, as well as promote awareness of a widest range of housing options and to make the system more user-friendly. These include a series of localised right-sizing initiatives to better connect overcrowded and underoccupying households, as well as reprocurement of the Homesearch and Mutual Exchange platforms to make them more user-friendly, proactive and capable of showing the full range of affordable housing options in our borough.

The stark situation we find ourselves in with the growing housing need in the borough only underscores the critical importance of the council and other builders to bring forward new, high quality, secure, social rent homes, and wherever possible to convert other tenures towards affordability, all while the Government chronically underfunds the most fundamental thing our residents need – a safe and secure. The entire Southwark community – landlords, developers, community groups, housing associations and residents in all tenures – all need to work together to tackle the housing crisis that keeps too many of our residents from living the fullest lives they can.

RECOMMENDATIONS

Recommendations for the Cabinet

1. To note the contents of the proposed draft new housing allocations scheme attached
2. To agree the proposed consultation arrangements proposed in the report
3. To report back to Cabinet in the spring of 2021 on the outcomes of consultation.
4. To agree the initiatives described in paragraphs in 10-13 to promote lettings.

Recommendation for the Leader of the Council

5. To agree the proposed consultation arrangements proposed in the report.

BACKGROUND INFORMATION

6. This most recent review of the Housing Allocations scheme has been prompted by a number of different factors including the introduction of the Homelessness Reduction Act, which gives local authorities the freedom to be innovative, dynamic and transformational. Southwark Council has an enormous housing register with over 14,000 applicants registered for housing, but it is anticipated there will be less than 900 lettings during 2020. For many of these applicants, being on the housing register will do nothing to alleviate their housing need. The new housing allocation scheme needs to be fair and transparent but recognising the council is

required to ration a scarce and valuable resource to build the successful and stable communities of tomorrow.

7. The review has also been carried out against the background of central Government's package of welfare reforms, austerity, the remodeling of the provision of new affordable housing and the COVID19 pandemic. The impact of welfare reform has had a large impact on people in Southwark, and elsewhere, and has resulted in an increase in the number of local residents presenting as homeless, and seeking to join the housing register in order to access better and more affordable housing. The council has seen a 51% increase in homeless applications in the 2020/2021 financial year. The COVID19 pandemic has increased unemployment in Southwark from 22,000 to 44,000 in the last 4 months.
8. The housing allocations scheme is only part of the re-housing framework and households can achieve suitable alternative accommodation through the mutual exchanges, seaside and country homes, the Pan London reciprocal arrangement and accessing private rented accommodation.
9. The production of the new Housing Allocations scheme and the recommendations contained above attempt to address the housing needs of residents who live in Southwark, meet the legal requirements contained within the 1996 Housing Act, and the Homelessness Reduction Act. The Housing Allocations scheme also attempts to address the severe outcomes of the Welfare Reforms and the impacts of the Government's austerity measures. The new Housing Allocations scheme also follows national best practice examples, and provides a sensible response to the continuing demand for housing in Southwark today and in the future.
10. The council will introduce a localised 'right-sizing' initiative to better facilitate mutual exchange, rehousing opportunities between under-occupying and overcrowded households. This will be promoted on a regular basis through information available through the Choice Based Lettings web site, through the production of leaflets, and through support from officers across the council.
11. The council will track the chain of benefit for all new council homes schemes (starting with recent completions at Pelier St and Sumner Rd) to analyse the rehousing impact of new homes. This information will then be promoted on the council's Choice Based Lettings web site and through future consultation exercises.
12. The council will undertake a tendering exercise during 2021 to develop a new Choice Based Lettings web site following a user and stakeholder survey of the usability of the advertising and bidding service, for the renewal of the Homesearch and Mutual Exchange software, including making the Mutual Exchange framework more proactive flexible and user-friendly, and incorporation of intermediate housing options on the same platform. The council has obtained quotes for this under its existing provider. However, a formal tendering exercise will be undertaken in

2021.

13. The council will establish a target for 100% of lettable voids to be allocated within 15 days.
14. A fundamental review of the council's housing allocations scheme was conducted during, 2015, 2016, 2017, 2018, 2019, and completed in 2020. The council's housing allocations scheme was last reviewed in 2013, which resulted in major changes to the earlier lettings policy introduced in 2007. During 2019 and 2020, council officers met with elected members, the three local Members of Parliament and also conducted 6 drop in sessions for officers from across the council to help to produce a new housing allocations scheme. This initial consultation process has significantly assisted the council to design a new housing allocations scheme.
15. The current review was to take into consideration the greater freedoms available to local authorities to determine their lettings policies as set out in the Localism Act 2011 and the recent changes introduced by the Homelessness Reduction Act 2017. Both of these Acts of Parliament enable local authorities to allow flexibility for priority status (alongside the existing 'reasonable preference' categories of applicants to whom local authorities must give a degree of priority under their lettings schemes) to local circumstances, such as people with strong local or family connections.
16. The Localism Act also gives local authorities more freedom to determine who are eligible to join their housing registers. In addition to this the Domestic Abuse Act to be introduced in 2021, will also be of benefit to anyone fleeing Domestic Abuse.
17. Because of the strategic importance of council housing and housing association accommodation in Southwark, and its links to other council priorities such as economic wellbeing, the Fairer Futures principles and improving the health of the borough, it is of the greatest importance for the housing allocations scheme to be a cross cutting strategic policy document which promotes the best solutions for Southwark residents.
18. Officers have carried out a benchmarking and research exercise that has looked at what other authorities are planning and recent or forthcoming changes in government policy and legislation that impacted on lettings.
19. Officers have attempted to make the Housing Allocations scheme easy to understand and accord with council's values contained within the Fairer Futures principles.
20. Households will continue to receive a customised handholding approach to navigate through the Choice Based Lettings scheme and the completion of housing applications when this is required. In addition to this the new housing allocations scheme will design a framework which

enables the council to look at the housing needs of households through the lens of treating every household as if they are an important member of our own families.

21. We accept the priority star system is confusing and hence the new housing allocations scheme has changed to re-design our approach in this area of our work and removed most of the priority stars from the housing allocations scheme.
22. It is believed the new housing allocations scheme meets the principles of the Fairer Futures framework, provides a clear, honest and fair process, which promotes the best use of all available council and housing association accommodation.

New status Band 4

23. All applicants on the current housing register are assessed according to their housing needs, with applicants in Band 4 categorised as a non-priority group. This means that they have no housing need according to the council's lettings policy, and historically have not been re-housed by Southwark Council.
24. There are currently 14,088 applicants registered on the Housing Register with 5,169 or 37% of applicants on the Housing Register being placed into priority Band 4. Unfortunately, none of these applicants are expected to make a successful bid for alternative accommodation. This raises false expectations, with some Band 4 applicants wasting their time and spending money through text bidding. These applicants continue to bid when they have no realistic prospect of being housed, as well as being costly to administer. The council proposes to continue to allow these 5,169 applicants to remain on the housing register and for new priority Band 4 applicants to join the housing register.
25. It is important to note that the council is in the process of being able to hold data on all residents approaching the council for housing assistance whether they are included on to the housing register or not. New work has commenced that will allow the council to record all housing needs from all approaches to the council, and this data collection and analysis will be a more reliable and accurate reflection of housing need in the future.
26. It should also be noted that Bands 1-3 are currently used to measure the true level of housing need in the Borough and will continue to do so in the future.
27. It is proposed to introduce a new band 4 for applicants assessed as having a priority need but who either lack a local connection with the council or whose priority has been reduced in accordance with the scheme and for these applicants to always have the highest priority in priority Band 4, through the provision of a priority Band 4 status for these

applicants above all other priority Band 4 applicants.

28. The council will review the priority Band 4 status in partnership with applicants, partner agencies and national stakeholders to ensure the principles of a transparent operating environment are maintained in the future.
29. There are no plans to remove Band 4 status from the housing allocations scheme.

Local Residence criteria for new housing applicants

30. Under the Localism Act 2011 the residential qualifying period may now be set by the local authority.
31. It is recommended that the residential period be used as a criterion for priority and be five years and with the exception of Key Workers working in Southwark, armed forces personnel or applicants who have a work related right to move or other exceptional reason all applicants will be required to live in Southwark for five consecutive years to be prioritised within bands 1-3.
32. By removing the working in Southwark element from the existing Housing Allocations scheme this will ensure that more homes will go to local Southwark residents.
33. It is recommended that the local residency qualification is set at five consecutive years with the exceptions outlined above.

Re-housing residents on regeneration and new build schemes

34. It is recommended that the housing allocations scheme includes the following provisions:
35. If a new-build property is not available at time of decant, the tenant is given the option to return to a new build replacement property.
36. That a percentage of all allocations are allocated to existing tenants local to the redevelopment/new build scheme.
37. It is recommended that the rules described are implemented on the introduction of this Housing Allocations scheme.

Removal of priority stars for all households on the Housing Register

38. It is recommended that households no longer attract priority stars, with the exception of those housing applications who are undertaking voluntary contributory work on Southwark Council or partner Housing Association estates. Therefore, the residents housing application will be assessed on

the basis of the applicants housing need, this being assessed on the housing, medical and support needs of each household, with the exception of voluntary contributions on Southwark Council and partner Housing Association estates.

39. It is proposed to introduce a new band 4 for applicants assessed as having a priority need but who either lack a local connection with the council or whose priority has been reduced in accordance with the scheme and for these applicants to always have the highest priority status in Band 4, through the provision of priority status.

Local Lettings

40. It is recommended that local lettings policies may be drawn up centrally in consultation with tenants, residents and approved by the Cabinet Member for Housing as appropriate.
41. This recommendation relates to all new build property including the 11,000 new homes to be provided. A percentage of all allocations for the 11,000 new build properties initiative will be allocated to existing residents local to the redevelopment/new build scheme.
42. This will help strengthen the influence of residents in their local communities.
43. It is recommended that this change is implemented.

Refusing Offers

44. It is recommended that applicants bidding for a home through the Choice Based Lettings scheme are no longer limited to refusing three properties and applicants can refuse un-limited numbers of affordable homes. Currently, applicants are allowed three refusals under the current Housing Allocations scheme.
45. It is also recommended that the removal of applicants from the Housing Register who have not submitted a bid for accommodation in the previous 12 months will take place to ensure the Housing Register reflects true and current housing needs. This rule will not apply to homeless households placed in the priority bands.
46. It is recommended at that this change is implemented.

Armed Forces

47. It is recommended that additional priority will be awarded to people leaving the Armed Forces in housing need. These applicants will be placed in Band 1. This will allow the council to comply with the Armed Forces Covenant it has signed.

Localism Act 2011 sections 148 and 149

48. It is recommended that homeless people may be re-housed into the Private Rented Sector rather than a Social Housing tenancy to allow the council to discharge its homeless duty. The operation of this section of the Housing Allocations scheme will comply with the Homelessness (Suitability of Accommodation) (England) order 2012 SI No 2601.
49. It is recommended at that this change is implemented.

Annual Lettings Plan

50. It is recommended that the council will produce an Annual Lettings Plan; this will set annual targets for property types across all priority needs bands, and ensure applicants in the highest priority needs groups are re-housed as soon as possible through active support from the council. This lettings plan will also highlight the reason for the households being accommodated, the percentage of lettings to each property type and the number of properties used as temporary accommodation.
51. It is recommended at that this change is implemented.
52. It is recommended that the council promotes Low Cost Homeownership schemes, Mutual Exchanges and private rented options to all applicants on the housing register to attempt to meet the households housing needs and aspirations.
53. It is recommended the council conducts financial appraisals of all applicants to promote the most appropriate housing solution for each household.
54. It is recommended that people who are statutory overcrowded who lack 2 or more bedrooms will be awarded priority Band 1. As at the 8th November 2020, this would mean that 29 households.
55. The new priority Band 3 criteria for overcrowded households will include those family households whom are currently residing within another household's address.
56. It is recommended that Band 2 priority status will be awarded to homeless households whom the council would have a duty to house, but who have accepted private rented accommodation under prevention and relief duties. They are homeless applicants who accept a property in the private sector through Sections 148 and 149 Localism Act
57. It is recommended that applicants who would otherwise be in bands 1-3 but who lack a local connection with the authority should be placed into the new priority status Band 4.
58. It is recommended that the family dwelling category should be removed

meaning all types of households can bid for houses. Previously only applicants with a child under the age of 16 could apply for houses.

59. It is recommended that the good tenant priority category is removed. This means 21 household applications will need to be re assessed. This removal would promote the council's commitment for equality of opportunity and ensure only a households housing needs are assessed as part of the housing application process. The good tenant status is a reward to residents whom have completed what they should have done as part of the tenancy agreement. This takes away stock from residents whom actually require a transfer i.e. clients needing a ground floor property due to medical needs, overcrowded households or applicants fleeing Domestic Abuse. Many residents feel punished for going through a hard time i.e. losing employment due to COVID19, and then awaiting benefit claims to be put in place resulting in the applicant falling into rent arrears and no longer qualifying for the Good Tenant status. Consequently, many clients have complained as a result of this refusal feeling disheartened and under- valued as a result.
60. It is recommended greater flexibility is provided to the Strategic Director of Housing and Modernisation relating to decisions and management of the Housing Allocations scheme.
61. It is recommended the changes introduced by the Homelessness Reduction Act 2017 are now placed within the Housing Allocations scheme to ensure the new Housing Allocations scheme is compatible with this Act.
62. It is recommended Right to Move applicants are awarded priority Band three status.
63. It is recommended that Key Workers also access the Intermediate accommodation being provided by Southwark Council and Housing Association partners. This accommodation provision falls outside of the remit of this Housing Allocations scheme.
64. It is recommended priority Band two status is awarded to applicants nominated by Adult Social Services/Children's Services, for example:
 - Southwark Care Leavers (Former Relevant children) as defined by the Children (Leaving Care) Act 2000, for example:
 - Care leavers
 - A need to move due to child protection issues
 - Fostering carers for the Council where there is a need to move to a larger home in order to accommodate a looked after child
 - Adoption arrangements the Council where there is a need to move to a larger home in order to accommodate a looked after child
 - Adult Social Services customers who would otherwise be in priority Band 3 or 4.(eligible under the Care Act 2014 / Mental Health Act

1983/2007).

65. It is recommended Band 2 priority status for applicants fleeing domestic violence and abuse that have been assessed by:
- MARAC (or any subsequent multi agency arrangement) as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger, and
 - On the recommendation of the MARAC partnership the applicant requires social housing, and
 - b) The Council's assessing officer agrees that due to the nature and extent of the circumstances of the MARAC case accommodation in the private rented sector would, through its short-term nature, have a substantial detrimental effect on individual or household.

Policy implications

66. Most of the recommendations are providing further definition and clarification to the existing policy.
67. The recommendations are in line with the council's "Fairer Future Principles" and in particular seek to ensure that we are open, honest and accountable.
68. The drivers for these changes are the Localism Act 2011, the Homelessness Reduction Act 2017, and the Welfare Reform Act 2012 and the demand for social housing greatly outstripping supply. Regard has also been had to the statutory guidance, Allocation of Accommodation Guidance for Local Housing Authorities in England.
69. In preparing the revisions to the Housing Allocations scheme regard has been had to the Housing Strategy, Homelessness Strategy, the London Housing Plan, and the council's Tenancy Strategy. In addition to this, equalities impacts have been borne in mind throughout the process. The equality impact analysis is attached as Appendix 3 to this report.
70. The council, by adopting this new Housing Allocations scheme, will be adopting national best practices.
71. The recommendation to remove employment within Southwark with the exception of Key Workers as a criteria for priority will ensure that more homes will go to local people and contribute to sustainable communities. The new approach will assist the council to adopt a managed approach to its Housing Register for the benefit of local communities.
72. The Localism Act enables the council to better manage its housing register by giving it the power to determine which applicants qualify for an allocation of social housing. The council will be able to operate a more transparent system which better reflects local circumstances and can be

understood more readily by local people.

73. The Localism Act also gives the council the power to end the main homelessness duty with an offer of private rented accommodation, without requiring the applicant's consent. Please note this power was contained within the council's current Housing Allocations scheme that is in existence.
74. We will monitor the number of lettings on a monthly basis and keep these new policy changes under review and if any further amendments are required to be made to the council's Housing Allocations scheme we will report back following a twelve month review.

Community impact statement

75. As well as being in line with the council's Fairer Future Principles, the new Housing Allocations scheme further contributes to the Council Plan.
76. The recommendations contained in this report, if adopted, will result in a more equitable, customer-focused and transparent system for all applicants, irrespective of their landlord, registering for housing in Southwark. Although the recommendations will not deliver any increase in housing supply in the borough, they will enable this scarce resource to be managed more effectively, strategically, and allocated to those local residents with the highest priority.
77. Amending the residential qualification should enable Southwark to focus its resources on local people in need however this needs to be closely monitored to ensure that no group is disadvantaged.
78. The Housing Solutions service regularly carries out equality monitoring of Lettings and the Housing Register and this work will continue going forward.
79. In order to ensure that no group is disproportionately disadvantaged a review will take place twelve months after implementation to make sure that there has been no detrimental impact on all protected characteristics that are outlined in legislation.
80. The council through this review of the Housing Allocations scheme continues to prioritise housing need. However this report recognises that council housing is a scarce resource and it has to be used both to respond to a range of housing needs, and to help to support the council's wider strategic objectives of delivering mixed and sustainable communities, and in contributing to improving the economic wellbeing of the borough.
81. Southwark Council's Housing Solutions service provides advice and potential housing solutions to all residents in housing need and those residents that could be affected by the new residence qualification and other potential qualification criteria exclusions would be provided with a customer focused housing advice/money advice service to offer potential housing

solutions to address the residents housing needs.

82. No major changes are proposed to the existing housing allocations scheme. Equality and discrimination duties are areas giving rise to challenge in the courts. It is therefore important that the council undertakes a robust equality assessment which will feed into consultation and vice versa. It will also help the council consider proportionality and identify discrimination issues and consider justification; if challenged on an aspect of the scheme the council will need to be able to adequately justify its choices. Therefore, attached to this report is the first equality impact assessment, which will be updated as the new housing allocations progresses through the consultation framework.

Resource implications

83. Central and local government policy has driven Choice Based Lettings schemes nationally as a means of increasing consumer choice and empowering housing applicants by moving responsibility for choice of an individual allocation from the council to the individual. This initiative has been a policy driven decision, with the benefits being in increased transparency of systems, improved access and higher levels of resident satisfaction.
84. No direct staffing implications are anticipated as a result of the report, however it is anticipated that the policy review could bring about some process efficiency through reduction in legal costs, and reduction of void loss over disputed allocations.

Legal implications

85. The allocation of housing accommodation by local housing authorities (LHAs) is regulated by Part 6 of the Housing Act 1996 (HA 1996). The council is required to have a scheme for determining priorities and the procedure to be followed in allocating housing accommodation, including all aspects of the allocation process and the persons or description of persons by whom decisions are taken. The council operates a lettings policy by way of compliance with this requirement.
86. Generally, a local housing authority must not allocate housing accommodation except in accordance with its allocation scheme. Subject to certain statutory exceptions, a LHA must allocate accommodation in accordance with its scheme of allocation when the LHA:
- Selects a person to be a secure or introductory tenant of housing accommodation.
 - Nominates a person to be a secure or introductory tenant of housing accommodation
 - Nominates a person to be an assured tenant or assured short-hold tenant of housing accommodation held by a Private Registered Provider.

87. For allocations falling outside the requirements of Part 6 of the HA, the council will need to have other policies governing those arrangements.
88. In formulating or amending their allocation scheme, a LHA must have regard to:
 - Its current homelessness strategy under section 1 of the Homelessness Act 2002.
 - Its tenancy strategy under section 150 of the LA 2011.
 - The London Housing Strategy (for London authorities).
89. LHAs must also have regard to guidance issued by the Secretary of State. This is currently Department for Communities and Local Government: Allocation of accommodation: Guidance for local housing authorities in England 2012 (Allocation of Accommodation Guidance). LGAs should also have regard to the Ministry of Housing, Communities and Local Government's Homelessness Code of Guidance for Local Authorities (February 2018).
90. Although the HA 1996, as amended by the Localism Act 2011, gives LHA's broad discretion to determine what classes of person will be considered as qualifying under the scheme and to determine relative priorities between qualifying applicants, there are requirements to give reasonable, and in some defined cases, additional, preference to certain categories of people. A LHA cannot disqualify persons who fall within one of the classes of person for whom a reasonable preference must be secured under the scheme.
91. LHA's may also frame the scheme so as to give "additional preference" to other particular descriptions of persons with urgent housing needs. Where the council makes provision for additional preference going beyond legal requirements, this must be justified.
92. This report sets out a number of proposed changes to the current Housing Allocations scheme. Section 167(7) of the Housing Act 1996 requires a local housing authority to send a copy of proposed alterations of a scheme that reflect major policy changes, before taking a decision on the proposals, to every private registered provider of social housing and registered social landlord with which it has nomination rights and afford those persons a reasonable opportunity to comment on the proposals.
93. Consultation should also be carried out with those likely to be affected by the proposed changes to the allocation scheme. The broader consultation with wider Southwark residents proposed in the report will also provide an opportunity for other residents to engage.
94. To meet legal requirements consultation must be undertaken when proposals are still at a formative stage; it must include sufficient reasons for the proposals to allow interested parties the opportunity to consider the proposal and formulate a response; it must allow adequate time for

interested parties to consider proposals and formulate their response and the outcome of consultation must be conscientiously taken into account when the ultimate decision is taken.

95. Due regard must also be given the public sector equality duty (PSED) in section 149 of the Equality Act 2010 that requires the council to consider all individuals when carrying out their functions; this includes changes to policy. The duty requires that due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people. Specifically, the following protected characteristics must be given due regard - 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, discrimination.
96. It is therefore important that a robust equality assessment is undertaken to enable the council to identify and address any adverse impact on those with protected characteristics. When considering the recommendations in this report, cabinet members should keep the PSED in mind and actively consider the information set out in the community impact statement in this report.

Financial implications

97. Central and local government policy has driven Choice Based Lettings schemes nationally as a means of increasing consumer choice and empowering housing applicants by moving responsibility for choice of an individual allocation from the council to the individual. This initiative has been a policy driven decision, with the benefits being in increased transparency of systems, improved access and higher levels of resident satisfaction.
98. No direct staffing implications are anticipated as a result of the report, however it is anticipated that the policy review could bring about some process efficiency through reduction in legal costs, and reduction of void loss over disputed allocations.

Consultation

99. The key principle of the proposed consultation to progress the adoption of the Housing Allocations scheme will be inclusive of all the borough's communities, using a range of methods to provide as many residents as possible with the opportunity to engage.
100. The consultation will use a mix of traditional methodologies and newer methods such as on line consultations in order to allow a wider range of residents to participate.
101. Consultation with external stakeholders a questionnaire outlining the

council's recommended changes, as well as specific questions will be sent to external partners including registered social landlords and representatives from the voluntary and community sector.

102. Consultation with internal stakeholders – a similar questionnaire plus specific questions for consideration, will be circulated internally to all service areas with an interest in allocations, for example area housing management.
103. All Registered Social Landlords operating in the borough will receive a letter seeking views on the proposed changes to the Housing Allocations scheme, with these consultation comments considered as part of the design of the new Housing Allocations scheme.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

104. The allocation of housing accommodation by local housing authorities (LHAs) is regulated by Part 6 of the Housing Act 1996 (HA 1996). The council is required to have a scheme for determining priorities and the procedure to be followed in allocating housing accommodation, including all aspects of the allocation process and the persons or description of persons by whom decisions are taken. The council operates a lettings policy by way of compliance with this requirement.
105. Generally, a local housing authority must not allocate housing accommodation except in accordance with its allocation scheme. Subject to certain statutory exceptions, a LHA must allocate accommodation in accordance with its scheme of allocation when the LHA:
 - Selects a person to be a secure or introductory tenant of housing accommodation.
 - Nominates a person to be a secure or introductory tenant of housing accommodation
 - Nominates a person to be an assured tenant or assured short-hold tenant of housing accommodation held by a Private Registered Provider.
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 - Its current homelessness strategy under section 1 of the Homelessness Act 2002.
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108. LHAs must also have regard to guidance issued by the Secretary of State. This is currently Department for Communities and Local Government: Allocation of accommodation: Guidance for local housing authorities in England 2012 (Allocation of Accommodation Guidance). LGAs should also have regard to the Ministry of Housing, Communities and Local Government's Homelessness Code of Guidance for Local Authorities (February 2018).
109. Although the HA 1996, as amended by the Localism Act 2011, gives LHA's broad discretion to determine what classes of person will be considered as qualifying under the scheme and to determine relative priorities between qualifying applicants, there are requirements to give reasonable, and in some defined cases, additional, preference to certain categories of people. A LHA cannot disqualify persons who fall within one of the classes of person for whom a reasonable preference must be secured under the scheme.
110. LHA's may also frame the scheme so as to give "additional preference" to other particular descriptions of persons with urgent housing needs. Where the council makes provision for additional preference going beyond legal requirements, this must be justified.
111. This report sets out a number of proposed changes to the current Housing Allocations scheme. Section 167(7) of the Housing Act 1996 requires a local housing authority to send a copy of proposed alterations of a scheme that reflect major policy changes, before taking a decision on the proposals, to every private registered provider of social housing and registered social landlord with which it has nomination rights and afford those persons a reasonable opportunity to comment on the proposals.
112. Consultation should also be carried out with those likely to be affected by the proposed changes to the allocation scheme. The broader consultation with wider Southwark residents proposed in the report will also provide an opportunity for other residents to engage.
113. To meet legal requirements consultation must be undertaken when proposals are still at a formative stage; it must include sufficient reasons for the proposals to allow interested parties the opportunity to consider the proposal and formulate a response; it must allow adequate time for interested parties to consider proposals and formulate their response and the outcome of consultation must be conscientiously taken into account when the ultimate decision is taken.
114. Due regard must also be given the public sector equality duty (PSED) in section 149 of the Equality Act 2010 that requires the council to consider all individuals when carrying out their functions; this includes changes to policy. The duty requires that due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people. Specifically, the following protected characteristics must be given due regard - 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, discrimination.

115. It is therefore important that a robust equality assessment is undertaken to enable the council to identify and address any adverse impact on those with protected characteristics. When considering the recommendations in this report, cabinet members should keep the PSED in mind and actively consider the information set out in the community impact statement in this report.

Strategic Director of Finance and Governance

116. There is no direct staffing or resource implications anticipated as a result of this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Draft new housing allocations scheme
Appendix 2	Equality Impact Assessment

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Michael Scorer, Director of Housing and Modernisation	
Report Author	Ian Swift Head of Housing Solutions	
Version	One	
Dated	26 November 2020	
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	26 November 2020	

Item No. 17.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Southwark Housing Strategy 2020	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

This new housing strategy refresh, five years after the last, comes at a time of immense housing stress for many of Southwark’s residents. The Covid-19 pandemic has highlighted the starkly contrasting experiences of people with gardens versus those living in overcrowded conditions with no balcony, those whose housing is affordable and secure versus those whose livelihoods have been damaged and the security of their home threatened.

This strategy updates many of the key themes and actions reflecting how the national and local context has changed over the past five years. Since 2015, we have seen three Prime Ministers with differing approaches to housing, the Grenfell tower fire in 2017 transforming the agenda around building safety and the status of social housing, the lifting of the HRA debt cap and a marginal improvement in home-building grant following the election of Sadiq Khan as Mayor of London.

Locally, we have continued to invest in the fabric of our council housing; pioneered new homelessness prevention initiatives; built from a standing start a professional in-house development operation and developed the largest delivery track and pipeline of new council homes anywhere in the country for over a generation. We have also created new rules to ‘expand and enrich’ our estates, putting residents at the heart of the decision making process for any redevelopment, as well as initiated the ‘Great Estates’ programme as a new landlord strategy, celebrating our estates, deepening our commitment to deliver reliably warm dry and safe, and creating a new license for residents to define the look feel and lived experience of our estates.

The main framing of the strategy is to place the council as ‘moving towards high quality secure affordable sustainable homes for all’, by which we mean to create a new license to drive up standards in an all tenures and for residents in all circumstances. This means developing further our strategies for carving out land resources and capacity to deliver 11,000 council homes, as well as strengthening planning policy to secure better quality more affordable housing. It also means a stronger focus on improving conditions and security in the private rented sector, as well as redoubling our efforts to tackle empty homes and rooms. Furthermore, we continue to lobby hard for an investment environment that allows us to meet our residents housing needs – an LHA rate that meets the cost of renting in our borough, a grant level for investment in new and existing housing that’s genuinely affordable and energy efficient, an overhaul of a land economy that leaks development value at the expense of affordability and the infrastructure we need, and an end to the downward escalator of right to buy.

The strategy also reflects the high priority the climate emergency has in shaping the operational and embodied energy of existing and new stock as well as in our investment in renewed heat networks. We also reflect the critical importance of ensuring that all our housing services are set up to promote opportunity for those facing systemic barriers and reflecting the diversity of our borough through the council's Southwark Stand Together programme.

The commitments and actions within strategy are also cross-cutting – working across all departments and portfolios throughout the council, and in close partnership with housing associations, the voluntary sector, health services, police, developers and landowners. This strategy creates a wide-ranging agenda for improving the quality safety and environmental impact of all tenures of housing in our borough; promoting a renewed ethic of care in the landlord-tenant relationship the promotes the health wellbeing and economic resilience of our residents; and taking pride in our housing and neighbourhoods and empowering residents with real influence over their living conditions.

RECOMMENDATIONS

Recommendation for the Cabinet

1. To agree the Southwark Housing Strategy 2020 (Appendix A)

Recommendation for the Leader of the Council

2. To agree to instruct officers to develop a Southwark Housing Strategy Action Plan and to delegate authority to the cabinet member for housing to agree the action plan.

BACKGROUND INFORMATION

3. In January 2014 cabinet agreed the vision for a new housing strategy and plans for developing a new borough-wide housing strategy for Southwark. The vision emerged from the extensive community conversations on the future of council housing following publication of the independent Housing Commission's report.
4. On 27 January 2015 cabinet agreed the new long term housing strategy for the borough to 2043. The housing strategy set the overarching framework for increasing housing supply, transforming housing conditions in Southwark across all tenures, and responding to the borough's housing needs.
5. The council has made considerable progress towards delivering the housing strategy. Some key highlights include:
 - Over 1,500 social rented homes delivered by housing associations and around another 640 by the council in the last 6 years.
 - Putting in place a robust 30 year HRA business plan, enabling us to invest in our homes, improve energy efficiency and provide a planned, preventative approach to maintaining and investing in our housing stock.
 - Investment in existing stock: 96%-98% homes decent in last 3 years.

- In the last 5 years, around 5,400 homes have been provided with a new kitchen and/ or a new bathroom.
 - Tenant satisfaction with quality of major works has been over 90% over the last 6 years.
 - We have introduced a selective and additional licensing scheme in 2016 using the Southwark Rental Standard to improve conditions and management standards in the private rented sector. We have received 5,038 applications and have issued 3,995 licenses from April 2015 to March 2020.
 - We have issued 2,943 licenses enforcing our improved HMO Standards since they were introduced in July 2015 (which are included in the figure above).
 - There has been a 30% increase in number of TMO residents to over 4,600 TMO tenants and homeowners in last 6 years.
 - Establishing an independent leasehold and freeholder management company in late 2016. Over 90% customers are satisfied with service provided by the Advocacy team in each of the last 3 years.
 - Successfully recovered nearly 1,000 council properties from illegal occupants since April 2014 and prevented over 100 fraudulent RTBs.
 - In the last 4 years, 76% of the referrals to the SUSTAIN team, generally for tenants facing potential eviction, have been closed with a positive outcome. In 2018/19 and 2019/20, an audit after 6 month and one after 12 months showed the tenancy was being sustained in 100% of these cases.
 - Improvements and service upgrades to sheltered housing schemes across Southwark: All major FRA upgrade works have been completed. Sprinkler systems have been installed in all sheltered housing units.
 - Since 2014, 15,730 private sector and Southwark council residents have been helped to remain in their homes with a total grant/ loan spend of £19.28m. Of the 15,730 residents helped, 11,775 were helped through the handyperson service (with £0.45m spend), 1,061 through DFG (with £7.11m spend), 258 residents helped through bringing empty homes back into use (with £0.43m spend), and 2,636 residents helped through the adaptations service (with £11.27m spent).
 - Our homeless service has been recognised by MHCLG as being one of the best in the country.
6. There has been considerable change at national level which needed reflecting in the housing strategy. These include:
- The Covid19 pandemic
 - The tragic Grenfell Fire and the subsequent response
 - A 1% social rent cut for four years between 2016 and 2020
 - The Homelessness Reduction Act 2017
 - The ongoing programme of welfare reforms (including reduction of the benefit cap to £23k and the ongoing roll out of universal credit)
 - The publication of the Government's Social housing green paper
 - Consultation on increasing flexibility for the use of right to buy receipts
 - The removal of the Housing Revenue Account (HRA) borrowing cap
 - Changes to the definitions of affordable housing to include private affordable

rent.

7. There have also been changes at London level, with a new London Housing Strategy, a new emerging London Plan, and new affordable products such as London Living Rent.
8. At local level, there was a new Council Plan 2018-22 which included many new commitments around housing, including new council homes targets, introducing the new Great Estates Guarantee, an increased emphasis on social regeneration and specific commitments on estate regeneration. In the private rented sector it also proposed introducing a Gold standard for private rental properties and a renters union. The Council Plan was updated in September 2020. All the new actions have been picked up in the new housing strategy.
9. The Council's New Southwark Plan was submitted to the Secretary of State in November 2019. The Examination in Public has been delayed due to the Covid19 pandemic. In addition there has been significant developments in our plans for the regeneration of many areas of the borough.
10. The Housing Strategy to 2043 was a long term strategy and in a review of the strategy in 2019, officers and Cabinet Members agreed that the overriding principles should be broadly retained, but it did already feel a bit of out of date in terms of how the strategy will be delivered. Therefore officers were requested to tweak the wording of the principles where required and to update and sharpen the actions including picking up some of the key new areas for housing from the Southwark Plan 2018-2022. The actions will be more closely monitored going forward through a separate action plan.

Consultation

11. The council consulted on the Housing Strategy 2020 for over a year. The consultation started with a half day stakeholder session on the 27th June 2019 to get wider views on the update of the housing strategy. Comments informed a consultation draft of the new Housing Strategy.
12. The council conducted a wider public consultation on the housing strategy consultation draft between January 2020 and the end of May 2020. The start of the consultation had been delayed by purdah for the 2019 general election, and the end deadline was extended to the end of May due to the Covid19 pandemic. The consultation included putting the consultation draft on the council's online consultation hub and inviting comments, and offering to attend meetings of SOUHAG (Southwark Housing Association Group), Tenant Council, Homeowner Council, Southwark Tenant Management Organisation Committee (STMOC), Southwark Group of Tenants Organisation (SGTO,) Futures Steering Board and Southwark Travellers Action Group (STAG). Due to lockdown restrictions officers only managed to attend the following groups before the lockdown:
 - The Futures Steering Board
 - SGTO
 - Tenant Council

- STMOC (as an information item)
 - Forum for Equalities and Human Rights
 - Homelessness Forum.
13. The other groups were sent the consultation details but officers were not asked to attend the meetings, or no meetings took place in the timeframe due to the pandemic.
 14. There was a lot of very useful feedback at the meetings and a limited response to the online consultation. Of those who did respond, there was a high level of agreement with the proposed changes as detailed in the consultation feedback document in Appendix C. The requested changes covered climate change, provision for gypsy and travellers and other smaller but useful suggestions for tweaks to the wording.
 15. Following the initial consultation the council updated the consultation draft to respond to the comments received and to include consideration of the impacts of the Covid19 pandemic. The pandemic has had an unprecedented impact on the residents of the borough, with both physical and mental health impacts. While the Covid19 pandemic has affected all communities we know there has been a proportionally higher impact on our black and minority ethnic communities. The council is committed to helping to address the inequalities in housing through this strategy. The pandemic is also having significant economic impacts with an economic slowdown, an increase in unemployment and loss of jobs. The building of new homes has slowed down. We expect issues to become increasingly more acute with increased levels of homelessness caused by increased unemployment, and an increase in social issues such as issues related to mental health, relationship breakdown and domestic violence.
 16. As the council had already conducted a lengthy consultation, the council decided to do a short consultation with key stakeholders on these changes over August 2020, to give partners the opportunity to raise further comments regarding the potential impacts of the Covid19 pandemic if they wished. The document was sent to housing associations via the SOUHAG mailing lists, TRA chairs, Southwark Tenant Management Organisation Committee (STMOC), SGTO, the homelessness forum and the forum for Equalities and Human Rights. There was very limited feedback but the housing strategy was updated to reflect the comments received, such as to provide more information around the challenges with households with no recourse to public funds (NRPF).

Evidence base

17. Officers in the housing strategy team have updated the evidence base for the Housing Strategy, the Southwark Housing Key Stats Document which is included as Appendix D.

30 year HRA Business Plan

18. Information on the resources for delivering the housing strategy are included at paragraph 35 later in this report. As it is a cross tenure housing strategy the

strategy will be delivered through a combination of external and internal funding streams. A key element of the housing strategy is funding for the councils new build programme and improving the condition of council homes, which is contained in the council's housing revenue account (HRA) 30 year business plan. More information of the HRA business plan is included in Appendix B. This is concentrated on the HRA capital and revenue position in both the short and longer term.

KEY ISSUES FOR CONSIDERATION

19. Cabinet is requested to agree the Southwark Housing Strategy 2020 and to agree to instruct officers to produce a public high level action plan with targets for the next few years. Progress towards these targets will be monitored and reviewed with the Cabinet Member for Housing on a six monthly basis.

20. **Principles** – The strategy broadly has the same four principles at its heart but these have been refocused on the new underlying values of the housing strategy; affordability, quality, security and pride and responsibility. The former fourth principle has been adjusted to broaden it wider than only vulnerable households, to include more to help prevent residents becoming vulnerable, and improving their life chances. Therefore the four overriding principles are now:
 - Principle 1.** Increasing the supply of genuinely affordable high quality homes that meet our residents' housing needs and aspirations

 - Principle 2.** Demanding safer, higher quality, energy efficient homes

 - Principle 3.** Promoting tenure security and social support in housing, and improving the health, wellbeing and economic resilience of residents.

 - Principle 4.** Empowering residents and communities to have pride and influence over the running of their homes and neighbourhoods

21. **Commitments** – Most of the commitments have broadly been retained. Some have been combined where this will make the strategy easier to understand and to reduce repetition. Some new commitments have been added to reflect changes such as commitments in the New Council Plan. Therefore the following commitments are now proposed:

Principle 1. Increasing the supply of genuinely affordable high quality homes that meet our residents' housing needs and aspirations

- Continuing to deliver 11,000 new council homes at council rents
- Maximising the supply of other forms of genuinely affordable housing association social rent and intermediate homes
- Reducing the environmental impact of delivering new homes to help deliver a carbon neutral and biodiverse Southwark
- Ensuring all new homes are of a high quality, including a mix of different types and sizes which respond to people's changing needs over time.
- Ensuring a supply of homes to meet specific needs
- Tackling empty homes and making better use of existing properties

Principle 2. Demanding safer, higher quality, energy efficient homes

- Delivering the Great Estates Programme, to make our council homes and estates fit for the twenty-first century.
- Improving quality standards in temporary accommodation
- Improving quality standards in the housing association sector
- Improving quality standards in the private rented sector
- Improving quality standards in the owner occupied sector

Principle 3. Promoting tenure security and social support in housing, and improving the health, wellbeing and economic resilience of residents

- Increasing security through fairer longer term tenancies in all tenures
- Taking a 'Housing First' approach to supporting residents and connecting them to the services and support they need across health, social care, education, training, employment and financial advice
- Supporting residents with specific needs to live as independently as possible for as long as possible in their own communities
- Preventing homelessness wherever possible, with a focus on finding long term sustainable housing solutions, and minimising use of temporary accommodation
- Working in partnership locally and across London to bring an end to rough sleeping in Southwark

Principle 4. Empowering residents and communities to have pride and influence over the running of their homes and neighbourhoods

- Enabling council tenants and homeowners to take greater control over their local housing services
- Working with local housing associations and supporting residents to ensure more consistent Southwark wide service standards
- Protecting and empowering private tenants by providing advice and assistance on their respective rights and responsibilities.
- Supporting residents to reduce their carbon footprint by making buildings as energy efficient as possible.
- Working in partnership with local residents to tackle crime and anti-social behaviour where it blights neighbourhoods and people's lives.

22. **Outcomes and actions** – Many of the outcomes and actions have been updated. Many of these had been designed to be long term, but these have now been sharpened. A separate SMART action plan backing up each action will be developed. The actions have also been updated to reflect the changes in how these commitments are now being delivered. Some of the key new actions and outcomes include:

- Build 11,000 council homes, of which 2,500 will be ‘delivered or onsite’ by December 2022
- Establishing a Southwark Construction Company to build the homes and develop the skills of residents
- Ensuring New homes on all major developments to be zero carbon as per London Plan Policy 5.2
- Developing and delivering the district heating strategy
- Managing fire safety on estates
- Bringing the repairs service in-house so more jobs are done right first time
- Turning around routine council voids within 28 days
- Achieving minimum 35% regulated carbon emissions reduction on Part L of 2013 Building Regulations on all major developments
- Introducing a new 5 year selective and additional licensing scheme to start in 2021 to improve conditions and management standards in the private rented sector
- Introducing a Gold Standard to identify good landlords, support inexperienced ones and challenge those that fail to improve
- Implementing the ‘Empowering the Communities’ programme to enable democracy at a more local level
- Launching the Great Estates Guarantee so that every estate is clean, safe and cared for
- Giving residents the tools to garden and improve their estate
- Supporting the creation of community led sustainable energy projects on estates to help residents reduce their energy bills and also reduce carbon emissions
- Developing and delivering a cross departmental homeowners improvement plan (communicating with homeowners and re-setting the relationship)
- Providing a better on-line service/ 24 hour access to services and service information (especially repairs service)
- Introducing a Southwark (private) Renters Union
- Working with communities to find local solutions that help young people avoid knife crime
- Reviewing and improving Supported Housing Hostels (H&M BP) to help vulnerable residents to independence
- Minimising use of temporary accommodation and keeping families out of bed and breakfast style accommodation.

Statement of Support for gypsies and travellers in Southwark

23. Southwark Council is committed to continuing our work to support our traveller community in Southwark. We work with our key partners, Southwark Travellers

Action Group (STAG) and London Gypsy and Travellers, on both routine management issues raised by residents, and also on more generic and strategic matters. These relationships are very important to the council and will be nurtured and supported ongoing. The council's objective is ensure that we provide the best possible service to our traveller community both on our travellers sites and to those who currently reside in bricks and mortar. The council will continue to ensure that the quality of accommodation that is provided for the traveller community will be fit for purpose and will be of high quality. To this end, all our accommodation, whether it be the infrastructure of our Traveller sites or bricks and mortar accommodation will be warm, dry and safe.

24. The housing strategy cites the commitment outlined in the New Southwark Plan to safeguard the borough's gypsy and traveller sites where there is an identified need. It also gives a commitment to respond to the outcome of the needs assessment. We will also be continuing on our improvements to our gypsy and travellers sites to ensure high standards and particularly focusing on improving fire safety. All travellers sites are included in the Fire Risk Assessment (FRA) programme and any issues highlighted will be addressed using the same principals which are applied to all other forms of residential accommodation.
25. A more detailed action plan is being developed specifically to respond to the needs of the gypsy and traveller community, and the key actions will also be included in the more detailed housing strategy action plan.

Next steps following agreement of the Southwark Housing Strategy 2020

26. Cabinet is recommended to agree to instruct officer to develop a public short term action plan to demonstrate how the council and its partners will work towards the delivery of the long term strategy in the next few years. This will be regularly monitored with progress fed back to the Cabinet Member for Housing to review progress and to allow any mitigating measures to be introduced if required to help ensure delivery of the strategy. This will be published on the Housing Strategy section of the website. The actions in the action plan will be updated on a yearly basis.
27. All the lobbying requests from across the housing strategy will be consolidated in to a single document to inform a letter to be sent by the Cabinet Member for Housing to the Mayor of London and central government setting out what funding and further policy changes will be required to meet our strategic aims. This will also inform future related consultation responses.
28. The council is keen to get wider partner ownership of the housing strategy and will contact all key stakeholders such as housing associations and voluntary agencies to encourage them to sign up to helping deliver the housing strategy. A list of the partners who have signed up to helping deliver the strategy will be included on the Southwark website.
29. As soon as possible following the pandemic the housing strategy team will organise an event with key partners to discuss further opportunities to

implement the Southwark Housing Strategy 2020 together, or alternatively explore holding a virtual event if the pandemic continues in the longer term.

30. The Southwark Housing Strategy 2020 will be published on the Southwark website. The priority will be ensuring the design is easy to read on a screen, including using screen readers for accessibility, and to be easily printed off if needed. A large font version will be included.
31. A two page summary has also been produced (Appendix F). This will also be published on the Southwark website.

Policy implications

32. While the Southwark Housing Strategy 2020 is a significant document in the council's overall policy framework, this strategy is not agreeing new policy. This is mainly updating the housing strategy to reflect the changes in other documents such as new Council Plan 2018-22, and the New Southwark Plan, and reflecting other changes which have all been agreed officially at Cabinet such as plans for regeneration, and plans for delivering 11,000 new council homes. Therefore there are no new policy implications.
33. The Housing Strategy will need to be in conformity with the London Housing Strategy and the Mayor of London's London Plan. So the council will work with the GLA to ensure this is the case. A further update may be required to respond to any further changes with the London Housing Strategy or London Plan.
34. The document may also require further updates in future to respond to changes with the Council Plan or with the New Southwark Plan.
35. No changes are foreseen at this point in time. Any further significant changes to the housing strategy in the longer term will be brought to Cabinet to agree.

Community impact statement

36. The update of the housing strategy has taken account of changes in other documents, such as the Council Plan and the New Southwark Plan. Therefore there will not be any new specific community impacts, other than those resulting from an increased awareness of our existing plans. Therefore there should only be positive impact on communities.
37. Officers have updated the 2015 equalities assessment. The housing strategy is a high-level document that sets out the ambitions of the council and its long-term plans. The key to ensuring equality will lie in the implementation of the strategy, where equality assessments will be carried out for specific projects. This equality assessment highlights anticipated positive impacts and serves as a guide to highlight areas where we do not have sufficient knowledge or evidence of the impact at this stage. The assessment did not uncover any areas where a particular negative impact would affect households or individuals in relation to any of the protected characteristics. If any resident or stakeholder believes a part of the housing strategy this can be emailed to

housingstrategy2@southwark.gov.uk so that this can be considered and any potential changes required made.

Resource implications

38. The resource implications of the changes to the housing strategy will have been considered in the reports on changes to the Council Plan, or to other documents such as the New Southwark Plan.
39. The Housing Strategy will be delivered through a range of funding, including the council's general fund such as for work around homelessness and temporary accommodation, the council's housing revenue account for new council homes and improvements to council housing, and external funding such as grants from the GLA, the Government and other external partners. Other landlords such as private landlords and housing associations will also have their own resources which will help deliver the housing strategy. There are also a number of voluntary and charitable organisations which assist in meeting housing need and providing housing advice services.
40. The resource implications around new council homes and improving the condition of council homes are explored in the Council's Housing Revenue Account Business Plan. Appendix B provides information on the council's Housing Revenue Account contribution to helping deliver the housing strategy. This appendix to the main housing strategy report is concentrated on the HRA capital and revenue position in both the short and longer term. The HRA Business Plan financial model is the one instrument that combines both the capital and revenue projections and the links between them for the HRA. This appendix provides the financial context to the main housing strategy and allows a rounded informed direction of travel for the housing service.

Legal implications

41. While there is no requirement to produce a housing strategy, where one is prepared it must, pursuant to section 28 of the Greater London Authority Act 2007, 'be in general conformity with the London housing strategy' prepared by the Mayor of London.

Financial implications

42. The housing strategy has been updated to include many commitments which have been already agreed, such as the commitments in the Council Plan and the New Southwark Plan. This is a long term strategy and there are some aspirations where additional funding will be required to deliver this. The action plan will set out our short term targets. The council will also work with partners and Cabinet Members will lobby central government to try to bring in the required funding to deliver this strategy in the longer term.

Consultation

43. Details of the consultation were included in the background section at the start of

this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

44. Cabinet is referred to the legal implications section of this report which confirms that while there is no legal requirement to produce a housing strategy, where one is prepared it must 'be in general conformity with the Mayor of London's housing strategy. The report confirms that the Southwark Housing Strategy 2020 is not a new policy but mainly operates to update Southwark's Housing Strategy to 2043 agreed in 2015 and that the council will work with the GLA to ensure conformity with the Mayor of London's strategy.
45. The report sets out the consultation that has taken place on the Housing Strategy 2020 and appends engagement feedback. The outcome of consultation must be taken into account when considering the recommendations in this report.
46. Cabinet members attention is also drawn to the public sector equality duty (PSED) under section 149 of the Equality Act 2010, which requires the council, when making decisions, to have regard to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also applies to marriage and civil partnership but only in relation to the elimination of discrimination. Cabinet members are referred to the community impact statement in the body of this report and the equality assessment at Appendix E.

Strategic Director of Finance and Governance (FC20/011/SR)

47. The strategic director of finance and governance notes the report; financial implications will be incorporated into the council's budget-setting and decision-making processes for the Housing Revenue Account, and the General Fund as appropriate as they arise.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Housing Strategy 2020 Consultation Draft	Housing Strategy and Business Support	Robert Weallans 020 7525 1217
Web link: www.southwark.gov.uk/housing/housing-strategy		
Southwark Housing Strategy to 2043	Housing Strategy and Business Support	Robert Weallans 020 7525 1217
Web link: www.southwark.gov.uk/housing/housing-strategy		
Council Plan 2018-22	Housing Strategy and Business Support	Robert Weallans 020 7525 1217
Web link: www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan		

APPENDICES

No.	Title
Appendix A	Southwark Housing Strategy 2020
Appendix B	Strategic financial direction for housing (30 Year HRA Business Plan)
Appendix C	Southwark Housing Strategy 2020 engagement feedback report
Appendix D	Southwark Key Housing Stats 2020
Appendix E	Equalities Impact Assessment
Appendix F	Two page summary of the Housing Strategy 2020

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation	
Report Author	Robert Weallans, Housing Strategy Manager	
Version	Final	
Dated	26 November 2020	
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	26 November 2020	

Item No. 18.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Acquisition of 13 S106 affordable housing units at 18-19 Crimscott Street SE1	
Ward:		London Bridge & West Bermondsey	
Cabinet Member:		Councillor Rebecca Lury, Finance & Resources	

FOREWORD – COUNCILLOR REBECCA LURY, CABINET MEMBER FOR FINANCE & RESOURCES

I am delighted that we have the opportunity here to contribute to the commitment we have made to delivering 11,000 new council homes.

Not only are we able to deliver further council homes for our residents, but it is also notable that this acquisition will see us being able to provide both 3- and 4-bed homes, which are understandably often harder to deliver.

I look forward to being able to welcome families who need these homes the most to have permanent residency which is fit for purpose, and shows our commitment to providing for those most vulnerable in our Borough.

RECOMMENDATIONS

That Cabinet:

1. Authorises the council to acquire the long leasehold interest in the property known as 18-19 Crimscott Street shown edged black on the plan at Appendix A to this report pursuant to s120 of the Local Government Act 1972.
2. Delegates authority to the Director of Regeneration and the Strategic Director of Housing and Modernisation in consultation with the Strategic Director of Finance and Governance to agree the terms of the acquisition.
3. Authorises that the acquisition will be made from the Housing Revenue Account (HRA) Investment Programme with the primary focus being the delivery of high quality council housing.

BACKGROUND INFORMATION

4. 18-19 Crimscott Street site plan is shown in Appendix A on the 0.35 acre former printworks. The scheme will provide:

- Redevelopment of the site to provide a part 6 / part 9 storey building (plus basement) (Elevation images in Appendix B)
- 1835sqm GIA of Class B1 office floorspace
- 43 residential units (Class C3) and associated car and cycle parking and landscaping.

5. Of these 43 residential units

- 30 will be for private sale
- 13 will be affordable – 9 social rent (see table below)
- 4 intermediate sale (see table below)

Tenure	1 bed	2 bed	3 bed	4 bed	TOTAL
Social Rent	-	2	2	5	9
Intermediate	-	1	1	2	4

6. On 9 December 2014 the Cabinet resolved actions to address the shortage of affordable housing within the Borough and in January 2015 cabinet agreed its new long term housing strategy for the borough including specific commitments for increasing housing supply, including building 11,000 new council homes for social rent by 2043. One of the approved actions was where appropriate, to acquire affordable housing provided by new developments.
7. The scheme is currently on site and should finish in late 2021/22 adding potential delivery for the council's 2,500 homes target by 2022 and also providing rare but useful large and attractive units for rehousing and larger family need.
8. CityInc UK are the developer and they have been trying to secure a registered provider to manage the affordable homes but have had difficulty in securing a partner. The developer has reported to officers that one of the difficulties has been the proportion of larger family sized affordable units. As such discussions have been progressed with officers as the Council has an interest in securing larger family sized affordable housing.
9. Southwark's housing strategy to 2043 pledges to use every tool at the council's disposal to increase the supply of all kinds of homes across the borough and to provide 11,000 new council homes by 2043. The site at 18-19 Crimscott Street would provide an opportunity to make a contribution to the delivery of new council homes in line with both the housing strategy and the council plan. The direct acquisition of affordable housing provided at new developments is a cost effective means of delivering the commitment to provide new homes.

KEY ISSUES FOR CONSIDERATION

10. The opportunity to purchase the affordable homes has arisen and council officers have been negotiating terms with the developer. These discussions are ongoing. The affordable homes comprise 13 affordable units- 9 social rent/ 4 intermediate. The size range of the affordable units are as follows:

Tenure	Unit type	Size range
Social Rent	2 bed	80 sq m
	3 bed	103 sq m
	4 bed	101-102 sq m

Tenure	Unit type	Size range
Intermediate	2 bed	80 sq m
	3 bed	103 sq m
	4 bed	101-102 sq m

11. The council has appointed external valuers who have confirmed that the price agreed for the acquisition (details of which are in the closed report) represents value to the council.
12. It is proposed that any acquisition is funded through the Housing Revenue Account (HRA) Investment Programme. It is recognised that a key factor in the council achieving its ambitious target of 11,000 new council homes by 2043 is the availability of land. Therefore acquisition of S106 elements of schemes which meet Council need can contribute towards the Council's objective. This acquisition demonstrates the council's commitment to the council home programme.
13. 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.
14. The acquisition of the property for housing units 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 Council homes and the enhanced environment around the homes and from the construction jobs created through its development.
15. Negotiations are ongoing over the principal terms for the purchase of the property. These are set out in more detail in the closed report and still require agreement between the parties. It is recommended that authority be delegated to the Director of Regeneration and the Strategic Director of Housing and Modernisation to agree such matters in consultation with the Strategic Director of Finance and Governance. Therefore, cabinet is being asked to agree to the acquisition in principle, subject to final terms being agreed.

16. Should these thirteen units be acquired, they will enhance the variety of accommodation available to persons awaiting social housing. They could also provide rehousing options for large family need on the Aylesbury estate.
17. A local lettings scheme applicable to these units will be investigated and reported back to the member for Housing and Modernisation.
18. Society creates the need for additional housing resulting in the variation of existing use planning classification to satisfy this need, it is intended that in the medium/long term this site will be redeveloped to meet that housing need. However, society is penalised because in order to acquire the land to build new housing it must pay consideration based on the revised and more valuable planning classification that it has created. The beneficiaries are landowners that have done nothing apart from sitting on the land in the hope it gains a more valuable planning consent. The additional money spent in acquiring land would be better used in building affordable new homes. The Council have for some time been campaigning that local councils should be allowed to acquire land for new housing at its existing use value rather than its post planning consent value plus a modest premium of around 10% to encourage the landowner to sell. This would enable local housing authorities to build more new affordable homes rather than giving landowners windfall profits. The Council will however continue to make the case for a change in legislation which would allow for more affordable homes to be built.
19. Southwark Council recognises the inequities created by the current land trading system, that results in a leakage of development value away from core town planning objectives where the Land Compensation Code enshrines the 'hope value' (i.e. any level of speculative premium on any alternative use for a site) in the price of a given valuation for purchase.
20. Alongside securing available sites for future council house-building, the council will continue its 'Affordable Land for Affordable Housing' campaign, calling on reform of the 1961 Land Compensation Act and RICS valuation guidance, to better allow councils to purchase sites at a price nearer to their existing use value, assemble land more rationally, promote build out, and reserve a higher proportion of development value for the affordable housing and infrastructure contributions that our residents need.
21. The council will continue to build an evidence base of discrepancies between EUVs given in developer viability assessments and real transactions in our borough to support Government in their future decision-making on the land trading system.
22. Rationale for recommendations:
 - a) To assist in providing new homes for persons on the Housing Waiting List, including possible rehousing options.

- b) To further a commitment within the new Council Plan.
- c) To enhance the council's asset base.

Community impact statement

23. 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.
24. 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.
25. 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.
26. In considering the recommendations herein the Cabinet must have due regard to the possible effects of them on any groups sharing a protected characteristic in order to discharge its public sector equality duty. This is an ongoing obligation.
27. If the recommendations set out are approved, the Council will purchase 13 affordable units on a site already under construction. The new homes will greatly improve the quality of life of its residents some of which may have protected characteristics.

Financial implications

28. The acquisition of the affordable units will incur substantial capital expenditure that will be financed from resources supporting the Housing Revenue Account (HRA) Investment Programme and this is considered in detail in the closed version of the report.

29. Discussions with the developer, CityInc UK, over the possible purchase of 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.
30. The tax implications of the acquisition are also being considered. As a new build development, the dwellings are expected to be zero rated for VAT purposes and should not, therefore, have an adverse impact on the council's partial exemption threshold. Stamp Duty Land Tax and associated reliefs including registered provider relief are being investigated. This would otherwise be an additional cost to the acquisition.
31. Service charges and any management charges are uncertain at this point. When further progress has been made on establishing likely service charge levels, officers will report back to the members for Housing and Modernisation and Finance before any decision is made to acquire the new homes.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law & Democracy

32. Section 120(1) of the Local Government Act 1972 ("the 1972 Act") authorises the Council to acquire any land by agreement for the purposes of (a) any of its statutory functions or (b) for the benefit, improvement or development of its area. The report sets out at paragraph 15 how these requirements are met.
33. Section 120(2) of the 1972 Act authorises the Council to acquire any land by agreement for any purpose for which it is authorised by the 1972 Act or any other Act notwithstanding that the land is not immediately required for that purpose; and, until it is required for that purpose, it may be used for the purpose of any of the Council's functions.
34. There are adequate powers available to the Council to acquire the property by agreement.

Strategic Director of Finance & Governance (H&M 20/104)

35. This report is seeking Cabinet approval to delegate authority to the Director of Regeneration and the Strategic Director of Housing and Modernisation in consultation with the Strategic Director of Finance and Governance to continue negotiating the terms for acquiring 13 new homes as part of the development at 18-19 Crimscott Street. The expected cost of the acquisition is comparable with other recent acquisitions made by the council. As set out in the financial implications section of the report, the cost will be met from resources supporting the Housing Investment Programme. Finalisation of service charges and management costs will be subject to the continuing negotiations. Investigation of the tax

implications of the acquisition also needs to be concluded and taken into consideration as part of any decision made in respect of this proposed acquisition.

Strategic Director of Housing and Modernisation

36. Southwark Council has made one of the most ambitious commitments to council home delivery in the country, with plans to build or purchase 11,000 new council homes by 2043.
37. The acute housing need of Southwark residents is well documented, with over 20,000 residents waiting for a new council home. The council is determined to tackle this housing crisis and meet its commitment to deliver new homes.
38. As well as meeting that need these homes provide larger accommodation that could meet a wider strategic need such as providing rehousing options for large family need on the Aylesbury estate.
39. Final agreement to purchase the property will be subject to a due diligence on the new homes design specification and management arrangements. This will ensure the properties are of the high standards that the council expects for new homes and to make sure that the properties can be readily brought into management.

BACKGROUND DOCUMENTS

Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf

APPENDICES

Appendix	Title
Appendix A	Plan of 18-19 Crimscott Street
Appendix B	Elevation Drawings

AUDIT TRAIL

Cabinet Member	Councillor Rebecca Lury, Finance & Resources	
Lead Officer	Stephen Platts; Director of Regeneration	
Report Author	Marcus Mayne, Principal Surveyor: Regeneration South	
DRAFT	Final	
Dated	26 November 2020	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance & Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	26 November 2020	

APPENDIX A

Site Plan 18-19 Crimscott Street



APPENDIX B

Elevation Drawings



Illustrative view of proposed updated scheme

Item No. 19.	Classification: Open	Date: December 2020	Meeting Name: Cabinet
Report title:		Review of Void Disposal Strategy	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Leo Pollak, Cabinet Member for Housing	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

Southwark's council house-building programme, and wider housing investment plans covering major works and essential building safety and heat network upgrades, are all set within constrained financial parameters, where rental income, government grants and borrowing envelope are insufficient to . We subsequently have to use existing assets pragmatically, including sometimes taking one step backward to make two or three steps forward.

Where the explicit goal of the new homes programme is to maximise the overall stock of high quality low cost council homes as far as programme viability will allow, it also becomes necessary in a few exceptional circumstances for certain high value void properties to be sold in order to help meet this objective.

This report updates the rules covering the council's void disposals, by raising the threshold for sales values, explicitly requiring the receipts to be earmarked for new housing investment, for a demonstrable net increase in habitable room space from reinvested sums, including like-for-like replacements. It also provides for any analysis on whether to release the sale value of the property of the immediate neighbourhood mix, to ensure we're maintaining a healthy mix of incomes and tenures, and opportunities for residents in housing need to stay in their community.

RECOMMENDATIONS

That the cabinet:

1. Notes the continuing requirement to raise capital receipts for the housing investment programme including the delivery of 11,000 new council homes, and the role of void disposals in providing a small proportion of those receipts.
2. Agrees to revise the criteria for disposals in the void disposal strategy from those agreed by cabinet in July 2014, to those set out in paragraph 39 of this report.
3. Notes the sale of council housing will now only be considered where it benefits the overall capital programme and specifically the development of new build, conversions and roof top homes. This will be assessed on a case by case basis.
4. Notes this will help ensure Southwark to be a place where everyone has a

decent home and borough where families can afford to remain and choose to do so.

5. Notes the change in the voids disposal strategy is to address this and ensure that any disposals maximise the overall supply of council homes.
6. Notes that an Empty Homes Action Plan is due in January 2021.

BACKGROUND INFORMATION

7. Following a review of the void disposal strategy in July 2014, cabinet agreed to amend the criteria to that outlined below:
 - Bedsit, 1 & 2 bed, converted street flats above the ground floor, with a view to being able to sell the freehold interest of the house
 - Void properties valued over £500,000*
 - Listed residential properties
 - Properties deemed uneconomic to repair, following consideration of its value as a long term asset to the council and in parallel with available resources in the annual major voids repair budget
 - Properties with inappropriate layouts eg, where a bathroom is off a bedroom and where changes to the layout are restricted or uneconomic
 - Flats in a house with an already high level of leaseholders, and where sale would potentially allow the disposal of the freehold
 - Prefabricated bungalows

* Where properties are identified for disposal under the £500,000 value criterion, at least one of the other criteria should also apply.

8. Void disposals numbers were agreed on an ongoing assessment of the resource requirements of the housing investment programme.
9. Cabinet agreed the May 2011 report noting that the strategy also provided for the retention of selected void 3 bed plus properties to meet the need for larger family homes based on individual merit and following review, alongside ground floor properties that meet medical needs or may be suitable for adaptation.
10. It was also agreed that that a monitoring report be provided on a quarterly basis for the then deputy leader and cabinet member for housing.
11. This report seeks to review the current void disposal strategy in light of the commitment to build 11,000 new homes and the general changes in circumstances including the housing market in London and Southwark specifically.

KEY ISSUES FOR CONSIDERATION

12. The council is committed to delivering 11,000 council homes by 2043 as well improving the condition of its housing stock to exceed the minimum decent homes standard through its Quality Housing Investment Programme (QHIP). The purpose of the voids disposal strategy is to generate capital

receipts that can meet these and other capital requirements and minimise the council's long term liability and borrowing need. This report aims to establish a clear link between that strategy and the delivery of the 11,000 council homes commitment.

13. The ten year HIP from 2020/21 has a budget of £1,874,044,791 and expected available resources of £1,768,628,043 including borrowing for new builds and acquisitions and heat network only and therefore there remains a funding gap of £105,416,748 for the other elements of the programme. Further details are contained in the capital monitoring outturn report for Month 4 2020/21.
14. The HIP has traditionally been financed in part by capital receipts over a number of years, including those from void disposals and land disposals (generally from regeneration schemes).
15. Receipts are not generally earmarked to specific schemes or projects and instead contribute to the financing of the whole HIP; however any increase in resources would assist the current funding gap. The disposal of the right voids not only generates a receipt to meet the capital commitments, including the delivery of 11,000 council homes but can also reduce long term liabilities in maintaining buildings that are not economical for the council to maintain.
16. The review of the voids disposal strategy in May 2011 agreed the widening of the disposal categories to include more street properties to help increase receipts as an alternative to selling a larger amount of estate based stock. Street properties generally attain a higher value of receipt than estate based properties. It was acknowledged that this would also result in the sale of more desirable larger family homes. The council is building planning policy compliant new homes with family accommodation which has also included new houses where appropriate. Through enhancements to council builds in the design guide and employers requirements newly built council homes meet a high specification.
17. Over the last three years, the average council void disposal achieved £500,555 (based on 18 sales).
18. It was previously proposed that the annual target for sales of void properties is tailored to the needs of the HIP at any given time. With the commitment to 11,000 homes the driver for the disposals of voids needs to be a different emphasis than just raising capital and more an overall balance of commitments, liabilities and capital receipts.
19. It is therefore proposed that any void disposal put forward under the existing criteria be also assessed against new build delivery using the likely capital receipt. This will compare the cost of maintaining the void in our stock against using the capital receipts for the development of new build homes, conversions, roof top homes with consideration to the neighbourhood tenure mix. This will be signed off by the Director of New Homes as part of the recommendation for disposal.

20. The council's letting stock at the end of 2019/20 stood at 37,241 properties. Of this approximately 3,800 are street properties. The number of properties sold under Right to Buy (RTB) rules was only 87 in 2019/20 and 79 in 2018/19. This is down from the average of around 250 for the previous 5 years. Despite the change in the RTB rules in April 2012, when the maximum RTB discounts for London was raised to £100,000, high house prices in London continue to limit the number of RTB purchases.
21. The properties submitted for disposal are generally in poor condition and are a financial burden on the HRA for their upkeep and maintenance. The street properties referred have inherent long term defects that are not cost effective to maintain. These type of properties often become complex complaints and are prone to becoming legal disrepair claims which are expensive to settle and resource intensive to manage.

Review of progress to date

22. Housing properties becoming void are initially assessed for re-letting. In certain circumstances, they are considered for disposal under the agreed criteria. A property needs to be assessed before a disposal process can start. The strategic director of housing and modernisation approves a recommendation to dispose, once consideration has been given to the various relevant factors including leasehold implications and freeholder repairing obligations. The director of regeneration or the chief executive makes the formal surplus declaration. The disposal process is administered by the head of property for all properties with an estimated disposal value of £750,000 or below. For properties valued above £750,000 cabinet approval is required to proceed with disposal.
23. As noted in paragraphs 18, void sales should now need to take into account the councils wider commitments beyond the capital receipt including the benefit to the overall stock level held by the council and delivery of the key commitments, including 11,000 new council homes. However, these sales should support the delivery of new homes, conversions and roof top homes.
24. Properties will be assessed for new build, conversions and roof top homes, giving consideration to the neighbourhood tenure mix. This will be reviewed on a case by case basis.
25. As can be seen from Table 1, the number of disposals is already very low and have significantly dropped off in 2019/20 with only 4 voids being disposed of. The number of disposals has dropped significantly from previous levels. From 2011/12-2013/14 nearly 5 times as many voids (86) were disposed of creating an income of £27,194,950. There are currently 21 void properties which have been identified for potential disposal at Voids Panels,. 11 of these require discussions with residents to be rehoused to enable the Freehold sale. The others need final approval or a mechanism for the works to be undertaken. The New Homes team have reviewed these and agree that they should be disposed of. At the average disposal figure this could generate an income of over £10m which could deliver around 30 new flats with a lower repair liability.

Table 1 – Comparison of actual sales

Actual sales		2017-18	2018-19	2019-2020	Total
	6	£3,780,000			
	8		£3,451,099		
	4			£1,778,000	
Total	18				£9,009,099

26. The average sale value achieved per void property is £500,505 based on the 18 voids, where as from 2011/12-2013/14 before the last voids strategy review it was £316,220, however the numbers now are too low for any meaningful comparison to be made.

Table 2 – Re-Lets & RTB sales compared to stock¹

Year	Council stock	Re-lets	Re-lets as %age of stock	RTB sales	New homes
2016/17	37689	1117	3.0%	278	125
2017/18	37506	1392	3.7%	170	229
2018/19	37534	1266	3.4%	78	33
2019/20	37241	875	2.3%	87	28

27. Previously cabinet recommended the retention of selected void 3 bed plus properties to meet the need for larger family homes based on individual merit. However, as family homes are part of the new homes provision as part of the commitment to 11,000 homes, so although there may be the need to retain these in some locations, largely this need should be met through the building of new council homes including family accommodation.
28. Some larger family homes, alongside properties deemed to be beneficial to retain due to demand for properties with either specific location or property characteristics, are repaired and re-let using the Major Voids budget. This budget is used to repair voids requiring works in excess of £25,000. All properties repaired under this programme are repaired to enhanced Decent Homes standard, with most requiring new bathrooms and kitchens.
29. In 2019/20, 3 properties were refurbished under the Major Voids contract, at an average cost of £47,333.

Analysis of sales

30. The void disposal strategy has been in place since 2009. Table 3 below shows the overall number of referrals, sales and receipts accrued from 2017/18 to the end of 2019/20 financial year.

¹ LAHS data only

Table 3 – Referrals, Sales & Receipts per annum

	2017/18	2018/19	2019/20
No of referrals	12	10	4
No of sales	6	8	4
Total receipts	£3,780,000	£3,452,000	£1,778,000
Average receipt per sale	£630,000	£431,500	£444,500

- Note: properties referred are not necessarily sold in the same financial year, these figures do not include those referrals for Four Squares Estate.

31. A total number of 18 properties have been sold to date since 2017/18, generating a total capital receipt of £9,010,000.
32. Table 3 shows that very few void disposals are currently happening.
33. The vast majority of cases referred for disposal are valued over £500,000 and are deemed uneconomical to repair (85%). There were only 4 properties referred which did not include this as part of the criteria since 2017, 2 of which were for a legal agreement between the council and Ruskin Park House.
34. Table 4 below represents sales since 2017/18 by bedsize.

Table 4 - Average Values

Years / Type	Bedrooms					Overall Average sale value
	1	2	3	4	6	
2017-18	£287,750.00 (1)	£350,125.00 (2)		£930,666.67 (3)		£630,000.00 (6)
Flat	£287,750.00 (1)	£350,125.00 (2)				£329,333.33 (3)
House				£930,666.67 (3)		£930,666.67 ()
2018-19	£239,500.00 (2)	£306,366.33 (3)	£596,500.00 (2)		£860,000.00 (1)	£431,387.38 (8)
Flat	£239,500.00 (2)	£306,366.33 (3)				£279,619.80 (5)
House			£596,500.00 (2)		£860,000.00 (1)	£684,333.33 (3)
2019-20		£391,000.00 (2)	£460,000.00 (1)	£536,000.00 (1)		£444,500.00 (4)
Flat		£318,000.00 (1)	£460,000.00 (1)			£389,000.00 (2)
House		£464,000.00 (1)		£536,000.00 (1)		£500,000.00 (2)
Grand Total	£255,583.33 (3)	£343,049.86 (7)	£551,000.00 (3)	£832,000.00 (4)	£860,000.00 (1)	£500,505.50 (18)

35. There is not really the volume of sales to make a comparison of disposal values except to compare then against the general market.
36. The Market Trends Bulletin records average sale values in Southwark at December 2019 as follows:
- 1 beds £312,500
 - 2 bed flats £400,000
 - 2 bed houses £500,000
 - 3 bed houses £644,213
 - 4 beds £832,500
37. As can be seen above average receipts for void sales have been below the market average, however these properties are generally in disrepair.
38. The analysis of sales since 2017/18 to date shows that:
- The values roughly track below average market values, but the properties are generally in disrepair
 - The numbers of disposals are low.

The Way forward

39. Taking this and other factors noted in this report into account it is proposed that the categories included in the disposal criteria be changed from the existing, as agreed by cabinet in 2014 and as laid out below:
- Bedsit, 1 & 2 bed, converted street flats above the ground floor, with a view to being able to sell the freehold interest of the house
 - Void properties valued over £500,000*
 - Listed residential properties
 - Properties deemed uneconomic to repair, following consideration of its value as a long term asset to the council and in parallel with available resources in the annual major voids repair budget
 - Properties with inappropriate layouts eg, where a bathroom is off a bedroom and where changes to the layout are restricted or uneconomic
 - Flats in a house with an already high level of leaseholders, and where sale would potentially allow the disposal of the freehold
 - Prefabricated bungalows.

* Where properties are identified for disposal under the £500,000 value criterion, at least one of the other criteria should also apply.

To the following:

- Void properties valued over £600,000*
- Listed residential properties
- Properties deemed uneconomic to repair, following consideration of its value as a long term asset to the council and in parallel with available resources in the annual major voids repair budget**
- Properties with inappropriate layouts eg, where a bathroom is off a

- bedroom and where changes to the layout are restricted or uneconomic
- Flats in a house with an already high level of leaseholders or Bedsit, 1 & 2 bed, converted street flats above the ground floor and where sale would potentially allow the disposal of the freehold
- Prefabricated bungalows

* Where properties are identified for disposal under the £600,000 value criterion, at least one of the other criteria should also apply.

** All properties will compare the cost of maintaining the void in our stock against using the capital receipts for the development of new build homes, conversions, roof top homes giving consideration to the neighbourhood tenure mix.

40. It is anticipated that the majority of disposals will continue be of non-estate properties, and that estate properties will only be considered for disposal on an exceptional basis.
41. The number of disposals will be based on the requirements of the HIP and will therefore be subject to monitoring and review.

Monitoring

42. The capital receipts achieved for the HIP are monitored and reported to the regular Housing Investment Board. It is proposed that a monitoring report is to be provided on a quarterly basis for the cabinet Member for Housing and Modernisation.

Impact on housing need

43. The disposal of any property irrespective of size or type will have an impact on the council's ability to meet its housing need in some way. However, in building 11,000 new council homes the council is directly tackling this need and these disposals are only going ahead where it is shown that they can support the delivery of new homes. As of October 2020 there were 13,787 households registered on the council's Homesearch general register. A breakdown by band is as follows:
- Band 1 – 781 (decants, statutory overcrowded, under occupiers, complex social service)
 - Band 2 – 783 (overcrowded and urgent medical, homeless and urgent medical, single young vulnerable, management transfer, care leavers, risk to life)
 - Band 3 – 7,043 (overcrowded by 1 bedroom, accepted homeless, urgent medical, tenant relationship breakdown, insanitary conditions)
 - Band 4 – 5,180 (waiting list non priority; tenants, HA tenants and non-tenants)
 - Other, all bands – 594 (270 & 324) (including wheelchair accessible units and sheltered accommodation).
44. When looking at demand on the basis of bedsize, roughly 72% of registered applicants, across bands 1 to 4 require 1 and 2 bedroom properties, with 28% requiring 3 bed or larger.

45. It is known that waiting times increase based on banding, band 1 being the highest, and bedsize; the higher the band priority, the shorter the wait, but waiting times increase for larger properties. Table 6 below shows average waiting times across the top 3 bands.

Table 6 – Waiting times in days²

Band	bedsit	1 bed	2 bed	3 bed	4 bed
1	No data	583	1357	1239	2110
2	630	554	774	2011	2876
3	899	1200	1339	2071	1795

Policy implications

46. Additional capital resources generated through the council's voids disposal strategy will contribute to new homes and the improvement of housing stock borough wide thus working towards the wider corporate commitment to build 11,000 new council homes by 2043 and continuing making sure all our housing estates are clean, safe and cared for.

Community impact statement

47. The sale of council housing will now only be considered where it benefits the overall capital programme and particularly the delivery of new homes.
48. This will help ensure Southwark to be a place where everyone has a decent home and borough where families can afford to remain and choose to do so.
49. The average cost of buying a home in Southwark is £616,000 as of summer 2019. Therefore if a third of income was used on the mortgage, an annual income of £108k would be required to afford this. The lower quartile rent for a two bed in Southwark is £2,145 a month, assuming a third of income is used on rent, an annual income of around £77k would be required to afford this. However the median household income in the borough is about £31,000.
50. The change in the voids disposal strategy is to address this and ensure that any disposals maximise the overall supply of council homes.

Financial implications

51. The main change to the voids disposal strategy is to increase the threshold for consideration for disposal from £500,000 to £600,000 and to compare the cost of maintaining the void against the benefit of using the capital receipts to develop new homes. The effect is this change is difficult to

² LBS tenancies only

quantify in financial terms as it dependent on future events that are largely unpredictable, namely the volume of dwellings meeting the disposal criteria. This is particularly so given the impact that the COVID pandemic may have on the local housing market and property values in the short to medium itself. However, in itself the change is unlikely to have a significant impact on the value of capital receipts that will be generated to support the Housing Investment Programme

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

52. This report seeks authority for a review of the existing Void Disposal Strategy which has been in place since 2009. The emphasis in the past has been to meet the requirement to raise capital receipts and paragraph 17 of the report mentions that in the past 3 years there have been 18 sales of void properties which have achieved an average sale price of £500,555. The proposed new approach is set out at paragraph 19 and a comparison of the changes is set out at paragraph 39.
53. Paragraph 22 confirms that approval from Cabinet will be necessary in the case of any property where the consideration expected is likely to exceed £750,000.
54. The aspiration set out in the revised strategy is that Southwark becomes a place where everyone has a decent home and a borough where families can afford to remain and choose to do so. Since the emphasis in future will be to maximise the overall supply of homes, this will clearly be for the benefit of all sectors of the community and therefore meet the requirements of the Equality Act 2010.
55. There are no particular legal issues arising from this report and the recommended change in strategy

Strategic Director of Finance and Governance (H&M 20/106FC14)

56. This report seeks cabinet approval to amend the criteria for disposals in the void disposal strategy from those agreed by cabinet in July 2014 to those set out in paragraph 39 of this report. The revised strategy also encompasses a change of emphasis, so that it takes into consideration the need to maintain the overall supply and mix of council housing and the likely future cost of maintaining the property within the council's stock. As outlined in the financial implications section of the report, the financial impact of the changes made are difficult to quantify, but are unlikely to be significant. Capital receipts generated from the disposal of void properties will be used to support the Housing Investment Programme as set out in this report.

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Cabinet Member for Housing	
Lead Officer	Micahel Scorer, Strategic Director of Housing and Modernisation	
Report Author	Richard George, Strategic Programme Homes Manager (New Homes)	
Version	Final	
Dated	30 November 2020	
Key Decision	Yes	
CONSULTATION WITH OTHER OFFICERS/ DIRECTORATES/ CABINET MEMBER		
Officer Title	Comments Sought	Comment 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	30 November 2020	

Item No. 22.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Response to the recommendations of the education and business scrutiny commission report on procurement: accessibility and social value July 2020	
Ward(s) or groups affected:		All	
Cabinet Members:		Councillor Rebecca Lury, Finance & Resources	

FOREWORD - COUNCILLOR REBECCA LURY, CABINET MEMBER FOR FINANCE & RESOURCES

I want to thank Councillor Babudu for the excellent work undertaken by his Commission and look forward to delivering on its recommendations.

Through our response to the Education and Business Scrutiny Commission Report on Procurement: Accessibility and Social Value, we want to give our commitment to taking forward the recommendations from this report.

As you will see in this report, we recognise the hugely important issues raised as part of the scrutiny inquiry, and will be seeking to include in the budget proposals for 2021-22 funding for a dedicated position to support taking the recommendations forward.

In tackling these issues, we want to be able to create a baseline of our current position, identify and understand the gaps that exist, and take forward activity to ensure that those with protected characteristics are better able to participate in procurement opportunities from the council.

RECOMMENDATIONS

1. That cabinet note officers’ responses to the education and business scrutiny commission’s report on procurement: accessibility and social value dated July 2020.
2. That cabinet note that a request for additional resources to take forward work on making procurement opportunities more accessible to local businesses and community organisations is to be made as part of the council’s 2021-22 budget setting process.

BACKGROUND INFORMATION

3. The education and business scrutiny commission undertook an investigation

into the accessibility of procurement opportunities in Southwark to local businesses and community organisations, with a particular emphasis on understanding how accessible these opportunities are to businesses that are led (at director level) by people with protected characteristics that are typically underrepresented in business leadership. The commission also looked at the council's early activity to implement social value provisions of its Fairer Future Procurement Framework.

4. The recommendations of the review were presented to cabinet on 14 July 2020, with a request for the relevant cabinet member to bring back a report to respond to the recommendations provided.

KEY ISSUES FOR CONSIDERATION

5. The commission's report focused on four areas covering the data landscape, accessibility to small businesses, existing social value practice and procurement practice. Its findings highlight the gap that currently exists between where the council is and where it wishes to be in terms of its strategic ambitions; the recommendations provide a welcome steer as to the direction of travel and helpful pointers as to actions needed to make procurement opportunities more accessible to local businesses and community organisations.
6. The council's procurement function comprises several elements including the devolved purchasing and commissioning activity for a wide range of goods, services and works across all departments of the council, a small core procurement advisory function, and a corporate local economy development function. This means that even though some of the recommendations were addressed to specific parts of the council, their cross-cutting nature requires a response from the organisation as a whole if they are to lead to tangible improvements in governance and practice. In addition, many of the areas covered need to be considered in the context of broader priorities and work streams already being undertaken across the council, including on the council's Fairer Future Procurement Framework, Southwark Stands Together, the refreshed council plan and the Economic Renewal Plan.
7. Whilst some recommendations can be addressed relatively easily and speedily, others have significant resourcing implications or are dependent on information which is currently not available; there are also some where further consideration is needed as to definitions and outcomes sought, if attention and effort is to be focused appropriately. All of these will require budgetary provision and/or staffing resources to be identified, in order to be taken forward.
8. Since the work was undertaken by the scrutiny commission prior to its report to cabinet on 14 July 2020, the environment within which the council operates has continued to evolve. The pandemic is clearly of ongoing relevance to any consideration of the council's activities but it is difficult to know with any certainty what its impact will be. In addition, with

the Brexit transition period ending on 31 December 2020, work is also under way to consider what needs to be done to ensure that the council is prepared for the procurement environment from 1 January 2021. Again, however, it is not yet possible to assess the implications.

9. Comments on the recommendations are set out below.

Data

Recommendation 1: The Council should fundamentally improve the data it collects on Council procurement activity and local businesses. As part of this effort, the Council should collect equalities data and local spending data for all eligible procurement activity.

10. Although some information about contracts of £5,000 or more is recorded on the council's contract register, as the commission's report makes clear, the council does not currently hold information on procurement activity and local businesses. Further guidance will be issued by the Procurement Advice Team to remind officers to keep the contract register up-to-date but further consideration is needed of the extension of data collection to ensure that there is clarity as to what is to be collected, its purpose and its use. Work currently under way to refresh the Fairer Future Procurement Framework which includes a commitment to this and the ongoing Southwark Stands Together programme, the Economic Renewal Plan aspirations and the refreshed council plan are also all relevant to this piece of work.
11. The collection of data has significant resource implications in terms of staffing and potentially in terms of changes to IT systems (e.g. the council's financial information and e-procurement systems) and these will be picked up as part of a bid for additional funding which is being made as part of the council's 2021-22 budget setting process.
12. It should be noted that successful implementation of these proposals is dependent on the voluntary provision of information by businesses and work to be undertaken will include consultation and engagement with them.

Accessibility to small businesses

13. Recommendations 2 to 5 need to be considered in light of the ongoing Southwark Stands Together programme, the Economic Renewal Plan aspirations and the refreshed council plan.
14. At its 8 September 2020 meeting, the cabinet agreed to develop a roadmap and action plan to deliver the Southwark Stands Together programme. A further report was considered on 20 October 2020 when the cabinet agreed recommendations which included the development of the council's procurement practices to be more inclusive and exploring how effective business support can be provided.

15. In addition, the council's Economic Renewal Plan, which has been developed to help reduce and mitigate the economic impacts of the COVID-19 crisis, also sets out tasks and actions which aim to enhance business advice and guidance, particularly to local businesses. A review of business support, which considers much of the above, is currently being led by the Local Economy Team.

Recommendation 2: Strengthen local tendering requirements and increase them to EU thresholds

16. This recommendation would require an amendment to the Contract Standing Orders and, as it would amount to a substantive change, would require the approval of council assembly in line with procedures for changes to the constitution. Changes would also need to be made to associated guidance and gateway report templates and staff would need to be made aware of the new requirements. In addition, it would also require clarification of the definition of 'local tendering'. Subject to this, it could however be implemented relatively quickly.

Recommendation 3: Develop a portal with key procurement information and raise awareness of relevant bidding opportunities; and

Recommendation 4: Develop a list of providers that can be readily added to and is accessed as a standard part of relevant procurement processes to raise awareness of relevant bidding opportunities

17. Some procurement information as to potential future procurements to be undertaken is already available through the council's contracts register on the website. As with recommendation 1, developing this further would have significant resource implications, both in respect of the e-procurement system and also for individual service areas. In addition to inclusion within a bid for additional funding, it may be helpful to identify individual services that might be well placed to explore with Children's and Adults Services the options for building on their work to develop a website, as referenced in the commission's report.

Recommendation 5: Offer training for relevant businesses, and facilitate targeted provider forums to aid SME bidding

18. As noted above, the Southwark Stands Together programme and the Economic Renewal Plan aim to explore how effective business support can be provided and set out actions to enhance advice and guidance. The refreshed council plan also includes a commitment to develop a plan of support to assist local BAME-led and women-led enterprises to bid for and secure public sector contracts. There is insufficient capacity to offer training on procurement and securing contracts and it may be that this would therefore need to be procured. Resource implications need further consideration as part of the bid for additional funding.

Social value

Recommendation 6: The Council should be even more ambitious in embedding tailored social value requirements and take a “maximising social value” approach across departments supported by an enhanced central procurement function role. This approach should include: (i) requiring an explicit exemption for eligible tenders to waive the 15% social value requirement (ii) the Council developing model social value clauses covering anticipated future contracts in all Council departments, and (iii) the Council developing simple ways of recognising the types of social contributions made by local micro, small and community businesses

19. The current Fairer Future Procurement Framework requires the consideration of social value in all procurements over £100k and, where applicable, its use as part of the evaluation methodology for the tender award (on a case by case basis, but at least 15% of evaluation). Contract Standing Orders require specific exemption to be sought for non-compliance with usual procedures but the proposal in the report that the council should move towards recognising social value below the current £100,000 threshold would necessitate a substantive amendment to the Contract Standing Orders, approved by council assembly in line with procedures for changes to the constitution. Changes would also need to be made to associated guidance and gateway report templates and staff would need to be made aware of the new requirements. Although it could be implemented relatively quickly, further consideration is needed as to the potential impact on smaller businesses and their ability to meet any requirements without incurring what may be seen as a disproportionate burden.
20. Social value clauses are already included in contract documentation and, where appropriate, specific clauses are drafted. As social value needs to be considered throughout a procurement process, model wording is incorporated into gateway report templates to ensure that due consideration is given in line with the requirements of the Fairer Future Procurement Framework before a procurement is commenced and as tender and specification documents are prepared. However, the key to delivering social value is through effective contract management which can ensure that what has been offered by the contractor becomes a reality. Additional requirements can be explored with the Legal Services Contracts team.
21. The recognition of social value for lower value procurements requires careful consideration of what constitutes social value, if it is not to work in the opposite way from that intended. This needs to include an assessment of internal and external dimensions (e.g. the impact on employees, residents, the environment etc). Further consideration of this will be picked up in the refresh of the Fairer Future Procurement Framework which is scheduled for cabinet in January 2021 and is also relevant to the work to be carried out with SMEs and community

organisations as part of the Southwark Stands Together programme.

Procurement practice

Recommendation 7: The Council should pursue an explicit commitment to building community wealth across the borough through greater local procurement, in conjunction with other locally-embedded organisations, including local spending targets

22. A commitment to community wealth building (CWB) and to building capacity in neighbourhoods has been identified for action in the Economic Renewal Plan and work on the refresh of the Fairer Future Procurement Framework has also taken account of this commitment. The introduction of local spending targets also links closely with work needed to support earlier recommendations, not least because of the lack of data held at present.

Recommendation 8: The Council should share best procurement practice across departments and strengthen the central procurement function to raise the quality of practice across the Council

23. The sharing of best practice is already undertaken through newsletters and drop in advisory sessions, but further consideration will be given as to how this can be enhanced.

Recommendation 9: The Council should use s106 agreements, and work with developers and other large partners in other innovative ways to make more of the external procurement opportunities that exist in Southwark accessible to local SMEs. The Commission recommends better monitoring of developer performance against commitments, and piloting (in the Old Kent Road area) the SLPN model, where the Council uses s106 agreements to get developers to fund local SME procurement support and increase purchasing from local SMEs in their supply chains

24. The council welcomes this recommendation and already works with developers to ensure they are using local businesses. Proposals have been made by the government to replace s106 agreements and CIL contributions with a new Infrastructure Levy in its Planning for the future White Paper. Southwark Council has expressed significant concern that this will place a greater financial burden on local authorities and may mean that they are unable to place obligations on developers. The consultation period closed at the end of October 2020 and the government's response is currently awaited. It is therefore not yet clear what the impact of these proposals might be.
25. The council is committed to strengthening Southwark's local economy and, particularly in light of the impact the pandemic will have on businesses in the borough, will use all tools at its disposal to support them. It will consider the use of s106 funding in this way and balance it with other council priorities including employment and skills targets if it

were to necessitate redirecting s106 support from these areas. The council is planning to review the s106/CIL Supplementary Planning Document (SPD) where this will also be able to be considered.

26. Use of a platform to encourage more local procurement within Southwark from developers and other large businesses and the creation of complementary employment initiatives have resource implications which will need to be addressed as part of the bid for additional funding referred to above.

Resource implications

27. The recommendations made by the scrutiny commission have potential resource implications which have been highlighted in the paragraphs above. It is not possible at this stage to quantify these but the agreement of actions to be taken will need to be subject to consideration of any associated staffing, IT or other resource requirements.

Financial implications

28. As noted above, there are potential resource implications and any budgetary implications arising from these will need to be considered as part of the wider consideration of next steps. Where it is not possible to contain the costs of any action plans arising from this report within existing budgets, they will need to be considered as part of the bid for additional funding to be included in the council's 2021-22 budget setting process.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Education and Business Scrutiny Commission recommendations report to cabinet 14 July 2020	Constitutional Team Southwark Council 160 Tooley Street London SE1 2QH	Paula.thornton@southwark.gov.uk
<p>Link (please copy and paste into your browser): http://moderngov.southwark.gov.uk/documents/s89897/Report%20Procurement%20-%20Accessibility%20and%20Social%20Value%20-%20Report%20of%20the%20Education%20and%20Business%20Scrutiny.pdf</p>		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Rebecca Lury, Finance & Resources	
Lead Officer	Doreen Forrester-Brown, Director of Law and Democracy	
Report Author	Jo Anson, Interim Head of Governance	
Version	Final	
Dated	26 November 2020	
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	26 November 2020	

Item No. 23.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Annual Workforce Report 2019-20	
Ward(s) or groups affected:		NA	
Cabinet Member:		Councillor Rebecca Lury, Finance and Resources	

FOREWORD - COUNCILLOR REBECCA LURY, CABINET MEMBER FOR FINANCE AND RESOURCES

This report comes at a time when our workforce has faced unprecedented challenges in light of the Covid-19 pandemic. Whilst this report covers the period to April 2020, as we only just started to feel the impact of Covid-19, I want to thank every single one of our staff for their continued work and adaptability during this time. We continue to monitor the impact of the pandemic on our workforce and this will be collated into our next annual workforce report.

The pressure that our workforce has been under over the past months only reinforces the vitally important role that they play in ensuring the smooth running of the Borough. It is because we place such a high value on our staff that we remain committed in investing in our workforce.

This report provides an update on key aspects of our progress, including information on the make up of our workforce and our recruitment, training and pay.

This report shows the diversity of our workforce of over 4000 staff, with recognition of the networks that exist within the Council including the Women’s Network, Empower (our BAME network), the LGBTQ+ Network and NCompass (our disability network), our initiatives to support those from BAME backgrounds, our work to support our parental workforce and the support we provide to those at all stages of their careers, across all age groups. We have also included within this report an initial update on taking forward our Southwark Stands Together work.

However, there is always more that we can do, and we will be looking to continue to provide support to our whole workforce over the coming year.

RECOMMENDATIONS

1. That the Cabinet notes the workforce report attached as appendix one and this covering report.
2. Cabinet notes that officers will develop the Councils Workforce Equality Plan

following on from the recommendations of Southwark Stands Together – Workforce Workstream and continue to implement Workforce Strategy with areas requiring further consideration, for example career development and in-work progression with a particular focus on under-represented groups.

BACKGROUND INFORMATION

3. This Workforce Statistics Report is presenting the annual workforce position as at 31 March 2020, for the previous financial year, in accordance with the aims and objectives set out in the Workforce Strategy and the Workforce Equality Plan. At the point of reporting this to Cabinet the Council has seen the extreme inequalities identified by the international Covid-19 pandemic and the momentum of the Black Lives Matters movement following the tragic killing of Mr. George Floyd and others across the world. These two issues have together illuminated the inequalities within British society, within our Southwark community and Southwark Council as an employer. Through the work of the Southwark Stands Together Programme (which was previously presented to Cabinet on 20 October 2020) we will embed key actions within the annual Workforce Equality Plan and identify a long term and evolving programme of actions on what we need to do to improve Southwark as an employer and workplace to be more representative of our local community and more inclusive for all. Before we assess the new challenges to address such inequalities within our workforce, a full review of the previous year's workforce statistics is required. Such a review has been conducted annually by Southwark Council for more than 10 years and this year is no exception. The report will also go some way to explain key projects, initiatives and activities that have been implemented during 2019-20.

4. The Equality Duty 2010 is supported by specific duties which require public bodies to publish relevant, proportionate information annually demonstrating compliance. Information must be published in a way which makes it easy for people to access it and, for public bodies with 150 or more employees, to consider how their activities as employers affect people who share different protected characteristics. The span of information to be published is not specified within the Duty, but it is suggested that the following could be included:
 - Composition of the workforce;
 - Pay equality issues; in Southwark this is shown by profile at different grades and includes reporting requirements to publish gender pay gap data;
 - Recruitment and retention rates;
 - Learning and development opportunities;
 - Grievances and disciplinary issues for staff with different protected characteristics;
 - Published information can also include plans to address equality concerns within the workforce, and information from staff surveys.

5. To meet our obligations, the council produces an annual workforce report which includes a range of Human Resources (HR) related data and is published on the council's website. This report highlights key findings and example initiatives from the workforce programme. The 2019-20 report is attached at Appendix one.
6. The Workforce Equality plan has been designed to ensure Southwark has a clear and structured plan to promote equality, diversity and inclusion authentically within the workforce. To achieve this it is important to ensure that they are included in everything we do so a targeted approach to our universal workforce development initiatives is essential. It is also recognised that there is particular value in reviewing the equalities data at a local team or service level and in key areas of under representation across the council. These initiatives are called bespoke initiatives.
7. Southwark's trade unions have been briefed on the workforce data and we will continue to work constructively with them on the development of the workforce equality plan.

KEY ISSUES FOR CONSIDERATION

8. An analysis of the current workforce data, the identification of significant underlying trends, the engagement of key stakeholders have identified initiatives which involve cooperation between various teams, groups and individuals across the Council. This report provides a summary of the progress undertaken in the last year to work towards improving and delivering on the Council's Equalities Plan.
9. Southwark Council has 4293 employees across a range of very diverse job roles, trades and professions an increase of 2.3% of employee numbers in 2018-19. Over the last year we have seen an increase in the workforce with the return of key services from the private sector e.g. the TUPE' transfer into the Council of the School Crossing Patrol Service to our within the Environment and Leisure Department, and the creation of the Regional Adoption Agency making us one of the larger Local Authorities in London.

Sex

10. As per last year, Southwark Council has a diverse workforce that is broadly representative of the local community with a split of 50% women and 50% men in the workplace. Within the Southwark's population 82% of females are economically active compared to 86% of males, with a total of 79% of the population being in employment. 60% of all centrally recorded learning and development (reference data 23 in appendix 1) has been completed by our female workforce and 65% of women received an increment in the last performance management year (reference data 15 in appendix 1).
11. The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017

place a mandatory requirement to report annually on our gender pay gap and publish key information. This is produced as part of the workforce report and is included in paragraph 7 onwards in Appendix one. The gender pay gap is the difference in the average hourly wage of all men and women across a workforce. A positive percentage figure shows that overall, female employees receive lower pay than male employees and a negative percentage figure shows that overall, male employees receive lower pay than female employees.

12. Southwark Council has a mean gender pay gap of minus 6.62%, a reduction from minus 7.91% last year. This indicates that on average Southwark male employees are paid lower than Southwark female employees by approximately 6.62%. This is predominantly due to the larger number of male workers in lower paid roles within the waste and cleansing services.
13. To ensure that we can maintain a good balance between our male and female workforce it is important to ensure that we continue to support key initiatives and challenge stereotypes. Some of the bespoke initiatives achieved this year have been:
 - I. Continued funding and support for the Women's Network. The Women's network received a budget of £6,000 to deliver events and incentives that have raised awareness on issues and interests related to women. The same budget allocation was provided to each of the self-supporting staff networks. The Women's Network chief officer sponsor is Caroline Bruce, Strategic Director of Environment and Leisure. Some key events included:
 - a. Celebrating International Women's day
 - b. Along with the wider staff network delivering roadshows across work spaces across the council
 - c. Collaboration with other Staff Networks acknowledging intersectional experiences
 - d. Training sessions such as 'Understand your Values and Beliefs' and 'Unleash your Creativity'
 - e. Workshops and masterclasses such as childcare, dementia and breast health awareness
 - f. Network lunches inviting inspirational speakers, including Caroline Bruce sharing her career journey
 - II. Development of key policies, procedures and guidance documents to support challenging issues for women in the workplace addressing the Menopause and Domestic Abuse
 - III. Marking the United Nation's International Day for the Elimination of Violence against Women and Girls and our support for the 16 days of activism – a series of worldwide campaign activities spanning 25th November to the 10th of December, all aimed at raising awareness and bringing an end to domestic and various forms of violence.
14. The Council has also been addressing the gender pay gap issue created by the payment of the bonus scheme, under Trade and craft Operative

Terms and Conditions of service, applied to a predominantly all male workforce with Environment and Leisure Department. This scheme has been subject to review and re-negotiation in the last year with the Council Trade Unions. Due to the delays caused by Covid-19 this work continues and the Council is optimistic in positively addressing this disparity in 2020-2021.

15. The Workforce Report also assesses the disability and ethnicity pay gaps. On joining Southwark Council staff are asked to share their equalities information with us as their employer, this includes disability, ethnicity and sexual orientation.
16. The Council runs annual reminders for staff to review and update their data. Sharing not declaring if you had a disability has been well received across the workforce and in 2019-2020 we have seen an increase of staff sharing they have a disability with their employer from 5% to 6.1%. The average across London boroughs is 6.2%.

Disability

17. Raising the profile of disabilities in the workplace and the provisions for workplace adjustments through acknowledging nationally recognised days and promoting #Iamconfident across Southwark Council social media and attraction/advertising has been a priority this year. To ensure that we can improve the working lives of our staff who have a disability, some of the bespoke initiatives achieved this year have been:
 - I. The expansion of the Spectrum staff network who previously focused on Autism specifically into Ncompass, an all-inclusive disability staff network, with Eleanor Kelly the Chief Executive as their lead sponsor <http://thesource/news/2019/dec/international-persons-disabilities-day/>
 - II. Ncompass have taken part in a series of activities to raise awareness of the refocused disability staff network
 - III. Continued commitment to the government scheme for Disability Confident
 - IV. The development of the health and wellbeing plan
 - V. Involvement of Ncompass in the launch of smarter working enhancing the provision of IT equipment and resources to assist disabled staff within the workforce
 - VI. Re-procurement of the Cycle to Work Scheme with a specific increased bike budget to accommodate electric and specially adapted bikes to support staff who are disabled utilising the scheme
 - VII. Disabled staff involvement in the testing and selection of new office equipment including chairs and adjustable tables.

18. To view some of the career stories of how our disabled staff are being supported in the work place to manage their disability and work please see here:
 - a. <http://thesource/news/2019/nov/iamconfident-manager-s-perspective/>
 - b. <http://thesource/news/2019/nov/iamconfident-support-disabilities-long-term-health-conditions/>
 - c. <http://thesource/news/2019/nov/world-diabetes-day/>
 - d. <http://thesource/news/2019/oct/national-dyslexia-week/>
19. The Council's continued commitment to the Time to Change pledge which places a particular focus on reducing the stigma associated with mental ill-health and is designed to encourage and support employers in creating a workplace environment where mental health issues are openly discussed and employees can feel appropriately supported was further underpinned with the launch of the government initiative Able Futures and continued promotion of MindApples events during 2019-20.
20. The sickness absence reason, 'stress/ depression/ anxiety/ mental health', has increased from 9.2% in 2018-19 to 26% in the last 12 months indicating that staff are more likely to openly share with us their employer about their mental health than in previous years.
21. In the re-procurement of our Occupational Health Service contract, key consideration was given to the support that the service can provide to support staff with mental health issues in the workplace.
22. Southwark council has a mean disability pay gap of -1.52%%. This indicates that on average, for every £10 a disabled employee earns, non-disabled employees earn £10.15. 59% of staff with a disability were given incremental progression compared to 66% of staff who are not disabled.

Ethnicity

23. When looking at broad ethnic groups the percentages of employees from Black, Asian and Minority Ethnic (BAME) communities within Southwark Council is 51% of employees compared to 49% who are White, which is a slightly better representation than our community where, 46% of the Southwark population is from a Black, Asian or Minority Ethnic community. More widely across London boroughs, those employees who classify themselves as White average 59%.
24. The percentages of BAME employees compared to White employees change through the grades. The significant change is at grades 10-12 where the percentage of BAME employees are higher than in grades 14 (JNC level, middle management positions) and above. However, representation in grades 14+ is improving, albeit slowly, as there is an increase in of 4% 17.7 % of BAME staff at grade 14+ to 21.7% in the last year. In comparison to the local community the economically active BAME population is currently 38%, so further work to increase BAME representation at senior level posts within the organisation is a key

priority.

25. Incremental progression was broadly comparable for those staff from BAME communities as to those who are White.
26. Southwark council has a mean ethnicity pay gap of -14.67%. This indicates that on average, for every £10 a Black, Asian and Minority Ethnic employee earns, white employees earn £11.14, which is a reduction on last year.
27. 48% of our staff from BAME communities undertook training compared to 51% of our White staff. To ensure that our BAME staff were aware of and have access to all learning and development a number of universal learning and development initiatives were launched in 2019-20 and communicated widely:
 - I. Increased emphasis on the importance of the career development conversation at mid-year reviews
 - II. The launch of the coaching and mentoring programme
 - III. Embedding of the career development portal
 - IV. Continued provision for the PQS
 - V. Continued provision of the equalities training for council staff and managers with the introduction of unconscious bias training
 - VI. Held a leadership network event titled 'Diverse Voices' in Autumn 2019 introducing the lived experiences of our diverse workforce and starting off conversations about race and inequality in the workplace
28. It was recognised that the Council wanted to do more to ensure that the workforce reflects the diversity of BAME communities who live in Southwark at all levels of the organisation. So in the last year there were a number of bespoke initiatives achieved:
 - I. Continued funding and support for the EMpower Network, which was sponsored by Professor Kevin Fenton, Strategic Director of Place and Wellbeing until he left in March 2020. In early 2020, Duncan Whitfield, Strategic Director of Finance and Governance joined in sponsoring the group with Professor Fenton as a co-Sponsor until Professor Fenton left and now is the sole sponsor of the staff network. EMPower have grown their membership in excess of 200 staff and provided a range of events:
 - Panel discussions
 - Workshops on topics such as interview skills, public speaking and data visualisation
 - Film screenings
 - Charity days
 - Working in collaboration with the Women's network to deliver guest speaker events covering intersectionality
 - II. Staff events and support celebrating Black History Month
 - III. Raising awareness to be anti-racist with events such as Show Racism the Red Card.

IV. Promoting role models through career development stories

29. Attracting a diverse pool of apprentices and trainees has been a key focus for Southwark for some years and this year is not exceptional where we can see 48% of apprentices/trainees were from BAME communities. In addition, we have retained and recruited into permanent or fixed term contract positions 49% of our apprentices. We have also been able to review and report that 49% of our BAME apprentices/trainees have changed grade (increasing their salary) and gained a promotion since completing their apprenticeship or training programme, a concept that demonstrates our 'grown you own' managers making slow progress.
30. In July 2019 cabinet agreed to commit to Southwark delivering 100 internal paid internships by 2022. OD recruited an Internship Manager in October 2019, developed guidance and designed the recruitment to launch a pilot of the programme. Internship hosts were identified prior to the Internship Manager taking up post and three roles were advertised on the council website over December 2019.
31. Whilst December is typically not the best time to recruit, we received 18 applications in total for the 3 advertised roles and we invited 11 to our first group participation day (assessment centre). 88% of internship applicants were from a BAME background. The participation day provided a simulated experience for the candidates and is designed to be safe and informative.
32. Currently there is no free provision in the borough that gives young people vital experience of commonly used recruitment techniques like assessment centres and there is good research to show that young people of lower socio-economic status are less practiced and do worse off than wealthier peers at assessment centres. Feedback on how each individual does during the assessment centre and how to improve is provided to all participants.
33. Our first intake of 3 interns joined in February, 2 out of the 3 interns recruited were from BAME background. All of the interns were offered opportunities following the completion of the 12-week placement.

Outcomes for the pilot interns:

- Despite COVID-19 all of the interns successfully completed their 12-week placements)
- Following two successful interviews on Teams, two of the three interns secured continued work at the council following their internships
- The roles were traineeships designed to lead on to apprenticeships in residential care (a hard to fill role for the council)
- Statistics taken from the most recent ONS report on Employee Earnings in the UK 2019 show that our youngest intern is now on a starting salary that represents 67% more than the average salary for her age range of 18-20

- The apprenticeship position that the traineeships leads to means they remain in continued employment with Southwark with very clear career paths ahead
 - Both interns that managed to gain continued employment at the council do also come from our most disadvantaged groups in our community (one a care leaver and the other a homeless young person living in temporary accommodation who has declared a disability and was previously in receipt of Free School Meals).
 - Our third intern was offered a role as an apprentice within his team, but he decided that he wanted to take a slightly different career pathway
34. To see the experience of our interns in their own words follow the link below

<http://thesource/news/2020/feb/meet-new-intern-mimoza-gjuta-blog/>

35. As stated in paragraph 3, in response to many events that have shaped 2020, the council is now embarking upon a programme to address racial injustice ranging from systemic and structural to the everyday experience of our Black, Asian and Minority Ethnic staff. Information regarding this is summarized in paragraphs 54 – 60.

Sexual Orientation

35. Sexual orientation it is recorded by the ONS that Southwark in 2017 has a population of 6.7% who declared they were gay, bisexual or other but not heterosexual. This is broadly reflective of the Southwark workforce who have 6% of staff who consider themselves to be gay, bisexual or other.
36. The creation, launch and growth of our LGBTQ+ staff Network has also seen a positive impact in the engagement of staff from the LGBTQ+ community. Key events have been run by the network to raise awareness and inclusiveness within Southwark workforce.
37. The group has had a positive launch and attracted a good level of membership. Some of the bespoke initiatives focusing on sexual orientation this year have been:
- I. Continued funding and support for the LGBTQ+ staff network with the support of two Chief Officer co-sponsors Michael Scorer, Strategic Director of Housing and Modernisation and David Quirke-Thorton, Strategic Director for Children's and Adults
 - II. Public and internal promotion of events to support staff and raise awareness
 - III. Development of the Transgender and Gender Identity Guidance which has been consulted and approved by our Corporate Trade Unions
 - IV. The LGBTQ+ staff network held a number of events:
 - Celebrating LGBT History Month collaborating with local book sellers, artists and historians

- Celebrating Pride Month with film screenings, events in the Tooley Street Atrium and talks
- Celebrating Transgender Awareness Week - Film screening
- Holding an intersectionality event “3 women, 3 stories”, highlighting the lived experiences of queer women

Pregnancy and Maternity

38. This is the first year we are including Pregnancy and Maternity in the Workforce Report so there is currently no comparison to previous years. Equally, London Councils do not yet report on this data.
39. The percentage of the Children’s and Adults workforce is predominantly made up of female employees (78% of the workforce). This is where we see 44% of all maternity leave in the 2019-20 period (Reference data 55 in Appendix 1).
40. Likewise, the percentage of the Environment and Leisure workforce is predominantly made up of male employees (78% of the workforce). This is where we see 37% of all paternity leave in the 2019-20 period (Reference data 55, Appendix 1).
41. It is recognised that there were no staff nor their partners who took shared parental leave in council in the reporting year. Shared parental leave (SPL) allows parents to share leave between them. The right applies to both opposite-sex and same-sex couples, and similar rights apply to couples who are adopting a child. Shared parental leave (SPL) is available to parents whose babies were due on or after 5 April 2015 in accordance with employment legislation and to parents who adopted children on or after that date.
42. Of the women who took Maternity or Adoption leave during 2019/20 there was a significant retention rate, with 73% returning to work. 12% remain on maternity or adoption leave and 15% have left Southwark employment at the time of publishing the Workforce report. (Reference data 58).
43. Key projects during 2019-20 to support our parental workforce offer was:
 - the introduction of parental bereavement leave
 - review and updating of the parent pack aimed at support parents on their return to work following maternity, paternity and adoption leave.
44. The review of the parent pack was paused by the global C-19 pandemic and will continue within 2020-21, where the focus was re-aligned to provide support for working parents to manage during the pandemic. Key initiatives included the provision of webinar support sessions specifically for parents and leave on full pay for staff with children who have caring responsibilities and could not work.

Social Mobility

45. The Council Plan 2018-22 contains a commitment under the theme 'A full employment borough,' to make sure 100 young people from low income backgrounds get paid internships within the council. As one of London's best employers we will enable young people who may have barriers to employment to gain credible and high quality paid work experience.
46. The Council's paid internship scheme is an excellent way for young people to gain skills and relevant experience whilst receiving remuneration. By supporting young people from low income backgrounds into high quality, paid internships, the council is seeking to help address some of the inequalities that still exist with unpaid or low paid internships, which continues to act as a barrier to those who are less well off, and improve the social mobility for those who may not have the family or social networks to help them get a 'foot on the ladder'.
47. In 2019-20 the Council launched and piloted the paid internships scheme and next year will report on the success of the full programme. Paragraphs 30-33 summarise the experience of the first intake of internships.
48. Through the Council's interim staffing and agency contract with Comensura LTD, CV and interview writing courses have been run in partnership with the Venn Group to support the long term unemployed within Southwark. The aim of the social value project is to ensure contractors support the Council to develop the local workforce to be job ready with interview skills and CV writing. The initiative seeks to provide experience by securing agency placements for 'hard to fill' roles within Southwark and gain valuable paid experience in interim and temporary roles which one hopes will lead to substantive employment within the Borough.

Age

49. With an ageing workforce, and with an average age of 46 years old, with the majority of staff (39%) in the 40 to 54 years old age range supporting the needs of both our younger and older workforces is equally as important to us.
50. This year the revision of the Trade and Craft Operative terms and conditions of service intentionally has recognised the importance of a career graded scheme and the introduction of the Lead trade and craft operative role, creating posts for experienced staff who can train, coach and mentor newly qualified trades people as a key position, valuing the experience of often long serving staff and investing in our newly qualified recruits and apprentices.
51. In conjunction the Council has continued to invest in our apprentices (of all ages) and trainees with our 'grow your own' approach to talent

management. With 151 apprentices and 26 trainees in 2019-20. With 55 aged between 16 -24, 49 aged 25-39 and 5 aged 40-55 years of age.

52. Other bespoke initiatives that are being offered to support our ageing workforce of different ages:
 - I. Recognition of their long public service with the Annual Long Service Awards
 - II. Annual Apprenticeship awards
 - III. Planning for your retirement courses
 - IV. Pensions planning events
 - V. Financial planning support through the employee assistance programme

53. Workplace adjustments to retain our more mature staff despite ill health challenges as demonstrated by the low level of capability dismissals (1) and ill health retirements (5) in the year 2019-20.

Southwark Stands Together and the Councils Equalities Plan 2021 and beyond

54. As stated in paragraph 3, a multi workstream programme – Southwark Stands Together – was set up in response to the illuminating injustices highlighted over much of 2020. The bulk of the activity falls out of the time scope of this paper however it would be remiss of us to omit an update on where the programme is from a workforce perspective. Below is a brief summary with the intention to continue to update via the Southwark Stands Together programme’s existing reporting.

55. There is a specific workstream (the workforce workstream) that is looking at how we respond as a Council to our own workforce to the systemic injustices that exist within our workplace. The work to date has followed a five step process of engagement as outlined by the Consultation Institute (tCI). We are yet to complete the five steps but below summarises our current situation:
 - **Step One – Exploring** – A wellbeing survey was sent to our workforce to complete which included a section on the impact that the recent Public Health England report into the impact of COVID-19 on BAME communities and the killing of George Floyd was having on our workforce. We also began a review of our workforce statistics with a longitudinal analysis into workforce elements around ethnicity.

 - **Step Two – Listening** – We engaged with our provider for Equality, Diversity and Inclusion (EDI) learning offer, Inclusive Employers, to deliver a number of ‘listening circles’ with our BAME colleagues to explore the topics covered in the wellbeing survey. The outcome of these listening circles and the wellbeing survey have been shared back with staff in interactive sessions in October and November to progress into the third step where we currently are. We have also set

up new anonymous and open communication channels for staff to share experiences.

- **Step Three – Solution Exploration** – We have begun playing back the results collated to date and are finalising the selection of an EDI specialist to develop more thematic focus groups following the employee lifecycle. This will run alongside an analysis of the data collated by the workforce workstream with a view to begin developing measures and targets

56. The fourth step involves continued collaboration on how we make this happen to further inform action planning. It means working with a wide representative group of people, drawn from those likely to have been or could be affected by discrimination, plus other 'relevant parties' in order to appraise solutions
57. The fifth and final step is evaluation and review of the Southwark Stands Together engagement approach in relations to the overarching roadmap and action planning, evidencing early success and embedding a long term sustained approach to engagement.
58. We have been providing support to staff who have lived through the trauma of racism through sessions with our Occupational Health Provider, Optima. These have been offered weekly since the start of summer and will run until the end of the year. The sessions have been well received by the participants who have attended.
59. Early feedback from the listening circles identified that Black staff did not feel as valued and celebrated therefore for Black History Month (and beyond), we have initiated a 'Shining a light' campaign to highlight the careers of our Black managers and ensure that they are visible to the whole workforce particularly our Black staff in our lower grade positions. This will have continued focus and will be a key initiative in highlighting the contributions of our Black, Asian and Minority Ethnic staff in the year ahead.
60. To view the 'shining a light' celebrating the careers of some of our black managers:
 - I. <http://thesource/news/2020/oct/black-history-month-celebrating-achievements-black-managers/>
 - II. <http://thesource/news/2020/oct/black-history-month-celebrating-achievements-black-managers-tashoy-ashley-amp-derrick-tawiah/>
 - III. <http://thesource/news/2020/oct/black-history-month-celebrating-achievements-black-managers-genette-laws-abi-oguntokun/>

Policy implications

61. Some action points may require amendments to existing HR policy as part of the development of the workforce strategy and will be subject to the appropriate approval process.

Community impact statement

62. Analysis and ongoing evaluation of the equality impact is fundamental to the Workforce Strategy. Our workforce reporting provides information demonstrating compliance with the Equality Duty and considers how the strategy affects people who share different protected characteristics. The workforce report informs the strategy and assesses the impact upon:

- composition of the workforce
- pay equality issues; reporting on profile at different grades;
- recruitment and retention rates;
- learning and development opportunities;
- grievances and disciplinary issues for staff with different protected characteristics.

63. This analysis of the reporting information informs our workforce equality action plan which sets out our proposals to address equality concerns within the workforce.

64. Any policy changes will be subject to impact assessments.

Resource implications

65. There are no specific implications arising from this report. Existing resources are already in place to meet the strategic aims. Any actions arising which have resource effects will be subject to separate decision-making process and reallocation within existing budget.

Consultation

66. Consultation has been undertaken with the Councils recognised Trades Unions and the Council's Equality and Diversity Officer.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

67. The report asks cabinet to note the contents of the appended Annual Workforce Report and the analysis of that as set out in the report. Cabinet are also asked to note that officers will develop the Council's Workforce Equality Plan in light of the recommendations as set out in the Southwark Stands Together Workforce Workstream. and will continue to implement the Workforce Strategy

68. Cabinet will note that the Southwark Stands Together Workforce Workstream was the subject of a separate report previously presented to cabinet on 20th October 2020.
69. Cabinet are reminded of the PSED General Duty under section 149 of the Equality Act 2010 to have due regard to the need to:
- (i) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
 - (iii) Foster good relations between person who share a relevant protected characteristic and those who do not share it.

The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage and civil partnership are protected in relation to (a) only.

70. The PSED General Duty is a continuing one. The production of the Annual Workforce Report, the continued implementation of the Workforce Strategy and the development of the Workforce Equality Plan in light of the recommendations of the Southwark Stands Together Workforce Workstream, will assist the council in complying with that General Duty.
71. Cabinet are also reminded of the requirement, under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, for public authorities to publish specified information relating to the gender pay gap in their organisation in addition to the existing requirements under the duty to annually publish proportionate equality information in respect of their workforce (Specific PSED Duty), to demonstrate their compliance with the General PSED Duty.
72. In producing and publishing the Annual Workforce Report as appended to this report the council is meeting that Specific PSED Duty.

Strategic Director of Finance and Governance (FC20/018)

73. The strategic director of finance and governance notes the recommendations in this report. Where the updates to the council's workforce strategy have financial implications, these will be managed within the existing agreed budgets for the council's general fund and housing revenue account.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Workforce Strategy Refresh 2019-2022, item 16.	Organisation Transformation	Kam Khan
http://moderngov.southwark.gov.uk/documents/s83854/Report_Southwark_Workforce_Strategy_refresh_2019-2022.pdf		
Southwark Stands Together Roadmap	Chief Executives	Juliet Seymor
http://moderngov.southwark.gov.uk/documents/g6663/Public%20reports%20pack%20Tuesday%20-Oct-2020%2016.00%20Cabinet.pdf?T=10		

APPENDICES

No.	Title
Appendix 1	Annual Workforce Report 2019-20

AUDIT TRAIL

Cabinet Member	Councillor Rebecca Lury, Finance and Resources	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Kate Enver, Strategic Lead – HR Policy and Projects	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
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		26 November 2020

Item No. 24.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Appropriation of land: Aylesbury First Development site (FDS) and Plot 18	
Ward(s) or groups affected:		Faraday	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD - COUNCILLOR POLLAK, CABINET MEMBER FOR HOUSING

The transformation of the Aylesbury estate will create new quality homes in the area, dramatically improve living conditions with new community facilities and increase the amount of genuinely affordable homes in the area.

This report notes the current position in relation to the delivery of two major construction sites on the Aylesbury estate: the First Development Site (FDS) and Plot 18. Together these schemes will deliver 964 homes, of which 581 will be Council homes and 383 will be mixed tenure homes, as well as key community facilities for the wider area.

The report also requests confirmation that two areas of council-owned land are no longer required for the purpose they are being used. The former use of the land and property has been superseded and the recommendation in this report will result in these being held for the better planning of the area. Changing the purpose for which the council holds an asset is known as appropriation. Appropriating the land removes the risk of anyone benefitting from a third party right over the land seeking an injunction to stop the development; they will however have the right to financial compensation for any loss in value to their property arising from any infringement of that right. This will de-risk the delivery of the approved schemes.

RECOMMENDATIONS

1. That cabinet notes the current position in relation to the delivery of the FDS (Phase 1b/1c in the Aylesbury Area Action Plan (AAP)) of the Aylesbury regeneration programme.
2. That cabinet notes the current position in relation to the delivery of Plot 18 (Site 10 in the AAP) of the Aylesbury regeneration programme.
3. That cabinet confirms that the area of council-owned land hatched black on the plan at **Appendix 1**, identified as the FDS Package B site area, is no longer required for the purposes for which it is currently held and resolves to appropriate the land to planning purposes to facilitate the carrying out of 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 (as amended).

4. That cabinet confirms that, following completion of the appropriation at paragraph 3 above, the area of council-owned land hatched black on the plan at **Appendix 1** identified as the FDS Package B site area will no longer be required for planning purposes and resolves to appropriate the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972 (as amended).
5. That cabinet notes the intention would be to proceed on 2-step appropriation of the land hatched black on the plan at **Appendix 1**; this to take into account that Ellison House is currently still occupied until the forecast date of March 2021.
6. That cabinet confirms that the area of council-owned land hatched black on the plan at **Appendix 2**, identified as 57-76 Northchurch and Taplow ramp site area, is no longer required for the purposes for which it is currently held and (upon vacant possession of 57-76 Northchurch) resolves to appropriate the land to planning purposes to facilitate the carrying out of 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 (as amended).
7. That cabinet confirms that, following completion of the appropriation at paragraph 6 above, the area of council-owned land hatched black on the plan at **Appendix 2** identified as 57-76 Northchurch and Taplow ramp site area will no longer be required for planning purposes and resolves to appropriate the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972 (as amended).

BACKGROUND INFORMATION

8. The background to the regeneration of the Aylesbury Estate has been covered extensively in previous reports.

KEY ISSUES FOR CONSIDERATION

The schemes

9. The currently consented scheme for the redevelopment of the wider FDS will deliver a total of 842 new homes (of which a number will be dedicated to residents with extra care needs and those with learning difficulties), a community facility and a FDS site-wide energy centre. Of the new homes, 581 will be delivered as council homes and the remaining 261 delivered as mixed tenure homes across a range of tenures (private sale, private rent, shared ownership and social rent) and managed by Notting Hill Genesis (NHG). The detail regarding the transfer to Council homes is set out in the report to cabinet of 14 July 2020.

10. The wider FDS development is being brought forward under 3 construction contracts:
- Package A: delivering 229 council homes, a community facility and the public realm infrastructure across the whole site
 - Package B: delivering 352 council homes and a FDS site-wide energy centre
 - Package C: delivering 261 mixed tenure homes.
11. The current status of the delivery of the wider FDS development is:
- Demolition of all the vacant buildings within the site was completed in September 2020
 - Construction of the Approved Premises facility is due complete in December 2020; this provides the decant accommodation for Ellison House (leased to the Ministry of Justice (MoJ)); allowing a 3-month decant period as agreed, hand over of the vacant building is due in March 2021
 - Construction Package A site is mid-way through a 3-year construction period
 - Construction Package B is due to start on site in March 2021
 - Construction Package C is forecast to start on site in March 2023.
12. The currently consented scheme for the Plot 18 will deliver key community facilities for the locality, comprising a new Library, Health Centre, Early Years facility, a public square, and a total of 122 new mixed-tenure homes across a range of tenures (private sale, private rent, shared ownership and social rent) of which 23 homes will be dedicated for those over 55 years of age.
13. The Plot 18 development is being brought forward under 1 construction contract which provides for phased release of the development site:
- Main site: encompasses all the buildings and the public open space
 - Remaining site area (57-76 Northchurch, Taplow ramp and part of the Aylesbury Medical Centre): encompasses the associated new Highway necessary to access the Plot 18 building and, thereby, to complete the scheme. The site area also encompasses a grassed area to the North which will be part of the housing redevelopment of Phase 3.
14. The current status of the delivery of the Plot 18 development is:
- Construction is well underway on the main site
 - 57-76 Northchurch has 1 unit occupied as temporary accommodation
 - the Area Housing Office is actively looking at rehousing options for this occupant; no CPO was required for this building as the leasehold properties were acquired by means of successful negotiation.

Appropriation

15. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights enjoyed over the land can be overridden. The beneficiaries of such rights may however claim compensation (equal to the loss in value of their property caused by losing the right) but cannot seek an injunction to delay or terminate the development. This will give the council the certainty that having commenced construction works a person with the benefit of an unregistered (with the Land Registry) right over land (such as a right to light or a right of way) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites. As mentioned, the beneficiary of any such right is entitled to financial compensation for the loss of the right. The council could either insure against such compensation claims but this will be costly or accept the risk of an injunction that may be fatal to development or potentially result in unquantifiable but significant costs.
16. The compensation to which persons affected by the loss of a right to light may be entitled to is based on the value of their properties before the right has been infringed versus the value of the property with the infringed right. This compensation is based on the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber).
17. In this case, it is recommended that the land be appropriated from housing purposes to planning purposes and thereafter back to housing purposes as to hold the land for planning purposes may cause adverse financial implications. The rationale for the appropriations of the land shown at **Appendix 1** and **Appendix 2**, which is in the council's freehold ownership, is set out at **Appendix 3** and cabinet is recommended to approve the appropriations.
18. The appropriation stages are summarised as follows:

Land currently held for housing		
Appropriate from housing to planning	↓	Third party rights infringed by development cannot be enforced by injunction
Appropriate from planning to housing	↓	Construction can proceed

19. The rationale for the appropriations is summarised as follows:
- to mitigate against injunction which would delay the construction of the FDS Package B area of development and the construction of the new road serving Plot 18

- to mitigate against consequential delays to the delivery of new homes on the FDS Package B area and the community facilities on Plot 18
- to avoid any potential adverse accounting implications through the appropriation of the land back to housing from planning purposes.

Policy implications

20. Detailed Planning consent is in place for both the proposed schemes FDS and Plot 18 and both have already been implemented, in line with the objectives of the relevant policy framework. The Aylesbury Area Action Plan (AAAP) is a key material consideration for all applications within the area it covers. The AAAP was adopted by the council in January 2010, following a three-year process of consultation and engagement including an Examination in Public in 2009. It is part of the statutory development plan and deals directly with the redevelopment of the Aylesbury Estate. The policies in the AAAP have significant weight in any decisions on planning applications within the area. In addition, the statutory development plan for the borough comprises the London Plan, Core Strategy and saved policies from the Southwark Plan, while National Planning Policy Framework provides national planning guidance.
21. The proposed appropriations de-risk the next tranche of development which will see the delivery of these Planning consented schemes for FDS and Plot 18.

Community impact statement

22. The developments on FDS and Plot 18 deliver a number of key community benefits, including: new purpose-built community facilities for the locality, comprising a Library, Health Centre, Early Years facility; a significant number of new homes built to a high specification and representing much improved living accommodation; high quality public realm with street trees, clear sightlines and provision for cycles and pedestrians, and including a new public square.
23. An independent study has been undertaken regarding the FDS Package B site area, as shown at **Appendix 1**, into the potential for third party rights to light over the land area proposed to be appropriated. This identifies that no properties with rights are sufficiently affected to have a claim for infringement of those rights. There remains, however, a residual risk that neighbouring landowners could successfully claim for loss of other rights and therefore it is proposed to proceed with appropriation in order to mitigate this residual risk.
24. An independent study has also been undertaken regarding the Plot 18 57-76 Northchurch and Taplow ramp site, as shown at **Appendix 2**, into the potential for third party rights to light over the land proposed to be appropriated. This identifies that, as there is no construction of buildings on this area, no properties with rights are affected with potential rights to light. (Note, the appropriation of the main Plot 18 site area was covered

elsewhere, reference cabinet report dated 24 July 2018). There is however a residual risk that neighbouring properties with rights of way could successfully claim for loss of rights and therefore it is proposed to proceed with appropriation in order to mitigate this risk.

25. When considering the recommendations in this report, the Cabinet must have due regard to the continuing public sector equality duty (PSED) contained within the Equality Act 2010. That is, the need to eliminate discrimination, harassment, victimisation or other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and foster good relations between those who share a relevant characteristic and those that do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
26. With respect to the Aylesbury Estate, a number of equalities impact assessments (EqIA) have been carried out since the Aylesbury Area Action EqIA itself: regarding the FDS CPO (2017), Plot 18 CPO report (2018), and most recently regarding the Local Lettings policies for new homes on the FDS and Plot 18 (August 2020). These studies show that the estate is an area of low income and inequality, with incomes on average similar to the national average, (much lower than averages for Southwark and London where living costs are much higher); that there is a higher than average share of children living in low income households; that there is a young population and a high BAME population. The studies show a range of risks and opportunities in relation to the regeneration and set out mitigation measures. On the basis of these EqIAs previously undertaken, the public sector equality duty can be said to be met with respect to the proposed appropriations. It should also be noted that the appropriation of land is an administrative function with minimal impact to rights.
27. Overall, the resulting schemes on FDS and Plot 18, through the provision of new homes, a range of community facilities and new public realm, are anticipated to have a positive effect on equalities in the locality.

Resource implications

28. There are no additional resource implications as a result of this report.

Legal implications

29. The appropriation of the land is authorised by Section 122(1) Local Government Act 1972 which states that "the Council may appropriate for any purpose for which the council is authorised by statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it is held immediately before the appropriation". As stated earlier in this report, the council currently owns the land identified at **Appendix 1** and **Appendix 2**, it is currently held for a purpose for which it is

no longer required and it is now being appropriated for the purposes of implementing consented development schemes, which the council is authorised by statute to do.

Financial implications

30. The costs of undertaking the appropriation are minor and contained within existing budgets. The likelihood of any claims for compensation for loss of rights is minimal but where any costs arise, these will be met from the existing Aylesbury HRA capital budget allocation.

Consultation

31. There has been extensive consultation on the overall regeneration programme for the Aylesbury estate, which has been set out in detail within previous reports. This includes extensive consultation on the formation of the Aylesbury Area Action Plan (AAAP), non-statutory and statutory consultation undertaken in relation to planning applications: for the outline masterplan scheme, the detailed FDS scheme and the reserved matters Plot 18 scheme.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

32. Not applicable.

Director of Law and Democracy

33. The report provides details of the progress that has been made with the delivery of the First Development Site and Plot 18 and asks Members to note this.

Appropriation

34. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 (“the 1972 Act”) to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where it is no longer required for the purpose for which it is held immediately before the appropriation.
35. The land must already belong to the Council. Paragraphs 3 and 6 confirm that the land which it is proposed to appropriate is owned by the Council.
36. The land must no longer be required for the purpose for which it is currently held. The report confirms that the land will shortly be vacant at which point it will no longer be required for its current purpose of housing.
37. The purposes for which a council can appropriate land must be authorised

by statute. It is proposed that the land is initially held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 ("TCPA 1990") defines such purposes as, inter alia, those for which land can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.

38. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes "which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated." S226 also authorizes the acquisition of land "... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land." In the case of either ss226 or 227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question, these are likely to "contribute to the achievement of any one or more of the following objects – a) the promotion or improvement of the economic well-being of their area; b) the promotion or improvement of the social well-being of their area; and c) the promotion or improvement of the environmental well-being of their area." The Council's plan to build new homes on the FDS land, and a variety of community facilities on the Plot 18 land, is capable of falling within all three of those categories.
39. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s.237 of the Town & Country Planning Act 1990.
40. Section 203 says:
"(1) A person may carry out building or maintenance work to which this subsection applies even if it involves
(a) interfering with a relevant right or interest...
(2) Subsection (1) applies to building or maintenance work where -
(a) there is planning consent for the building or maintenance work,
(b) the work is carried out on land that has at any time on or after the day on which this section comes into force
(i) become vested in or acquired by a specified authority or
(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [i.e. for purposes for which an authority can acquire land under ss226 and 227]
(c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and
(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b)."
41. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and

the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s.204 those third party rights are converted into an entitlement to compensation to be calculated in accordance with ss.7 and 10 of the Compulsory Purchase Act 1965.

42. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s.203 triggered, that work will be authorised even where it interferes with third party rights.
43. Following the appropriation of the land for planning purposes, it is recommended that the land is appropriated for housing purposes, as the land is to be used for the provision of new housing. At that point the land will no longer be required for planning purposes and will be appropriated for housing purposes in accordance with the Housing Act 1985, which authorises the use of land for housing (s9), and buildings or land which will serve a beneficial purpose in connection with persons for whom housing is provided (s12).

Strategic Director of Finance and Governance (HM 20/100)

44. This report is requesting cabinet to note the current position in relation to the delivery of the FDS and Plot 18 of the Aylesbury regeneration programme. The report also seeks confirmation and approval of the appropriation of the council-owned land as detailed in the report to progress the regeneration of the area. Full details and background is provided within the main body of the report.
45. The strategic director of finance and governance notes that costs will be contained within the current approved Aylesbury capital programme and notes that the costs associated with any successful claims for compensation for interference with rights are to be met from the Aylesbury HRA capital budget allocation.
46. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

Strategic Director of Housing and Modernisation

47. This report provides details of progress that has been made with the delivery of the FDS and Plot 18 and asks members to note this. It references a previous cabinet report (14 July 2020) setting out how the council is progressing the implementation of revised delivery arrangements on the Aylesbury which sees the delivery of 581 council homes across FDS Packages A and B. These new council homes provide decant accommodation for remaining tenants and leaseholders in existing buildings on Phase 2, 3 and Phase 4a, in line with the recently agreed Local Lettings policy. This targeted rehousing will, in turn, progress the vacant possession of these existing buildings towards future development on the Aylesbury.

New homes on Plot 18 for people over 55 years of age at Social Rents, and under the management of Development Partner Notting Hill Genesis, will be offered to anyone eligible across the existing estate, in line with the recently agreed Local Lettings policy. This new housing offer presents further choice to those residents in relation to their rehousing options.

48. The Director of Housing notes that the appropriation of the land identified in **Appendix 1** and **Appendix 2** de-risks the delivery of new homes on the Aylesbury regeneration area.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Aylesbury Area Action Plan	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Catherine Brownell 07986 398 673
Web link: http://www.2.southwark.gov.uk/downloads/download/4444/adopted_area_action_plans		
Aylesbury Regeneration Programme Delivery (Cabinet, 24 July 2018, agenda item 9) (FDS A appropriation)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Catherine Brownell 07986 398 673
Web link: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=50196		
Aylesbury Regeneration Programme Delivery (Cabinet, 24 July 2018, agenda item 10) (Plot 18 CPO update and Plot 18 appropriation)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Catherine Brownell 07986 398 673
Web link: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=50197		
Aylesbury Regeneration Programme Delivery (Cabinet, 14 July 2020. agenda item 19) (FDS transfer of homes to Council)	Regeneration South Chief Executives' 160 Tooley Street London SE1 2QH	Catherine Brownell 07986 398 673
Web link: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?AllId=57412		

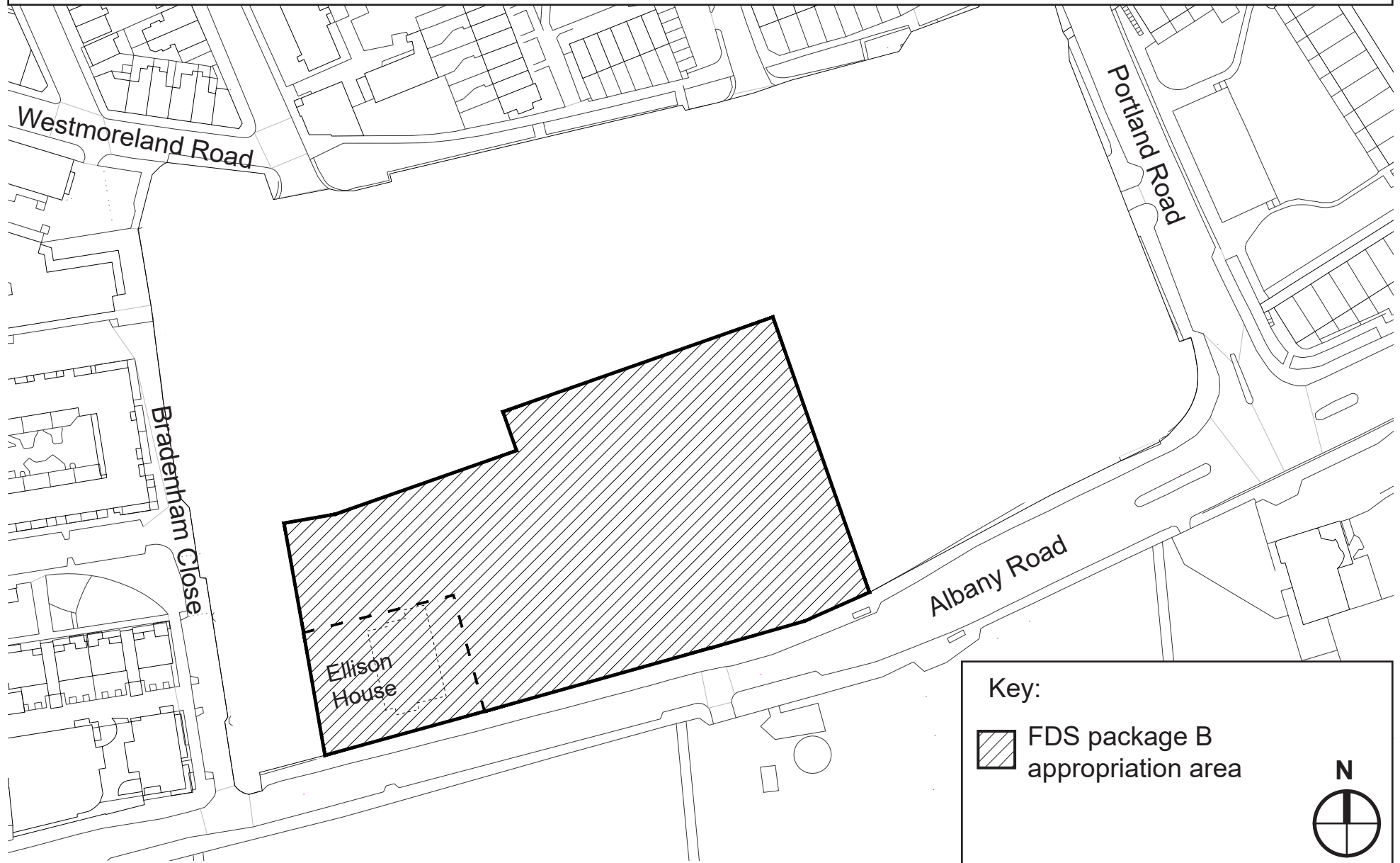
APPENDICES

No.	Title
Appendix 1	FDS Package B appropriation plan
Appendix 2	57-76 Northchurch and Taplow ramp appropriation plan
Appendix 3	Background to appropriation

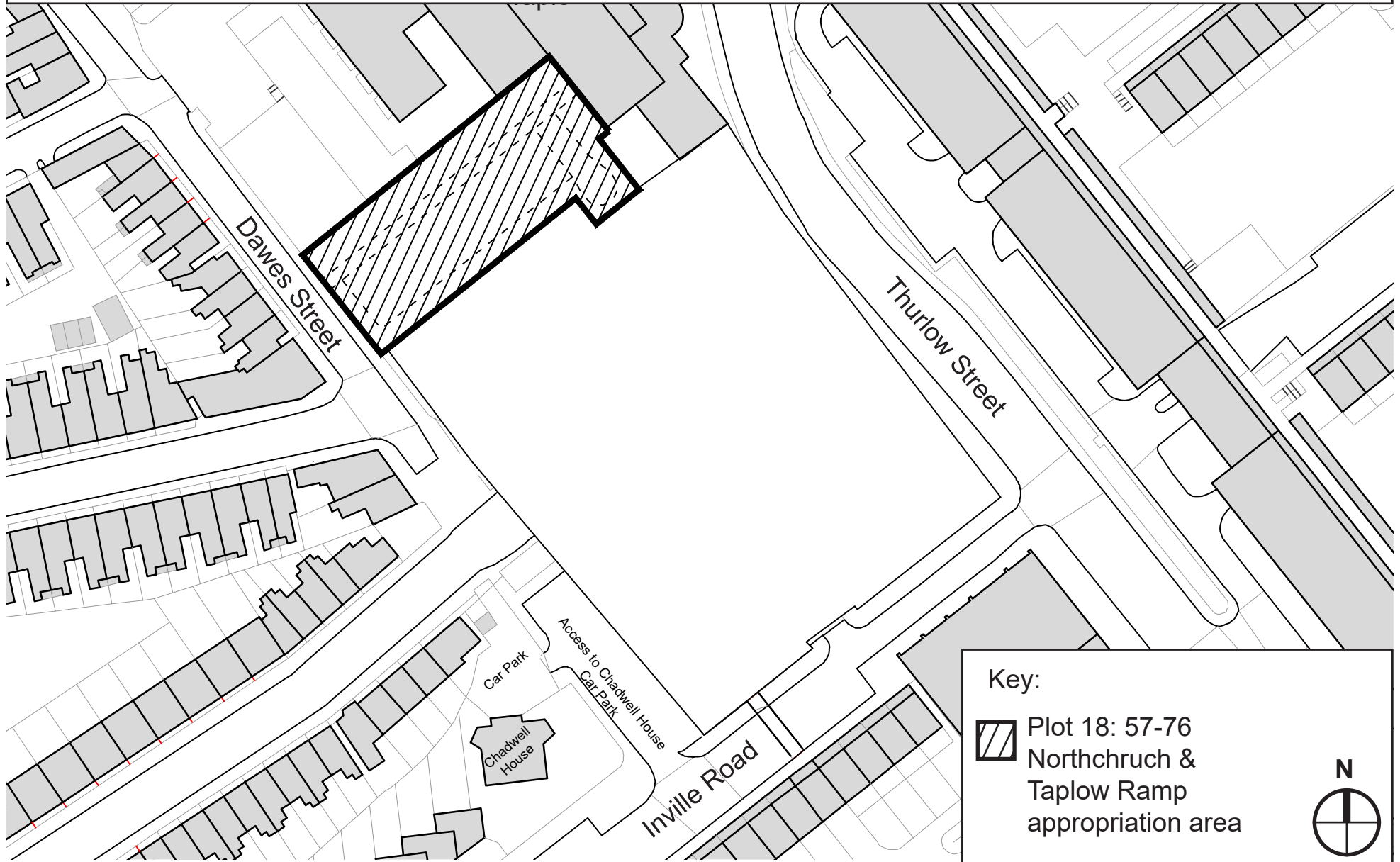
AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Neil Kirby, Head of Regeneration South	
Report Author	Catherine Brownell, Principal Design and Technical Officer, Regeneration South	
Version	Final	
Dated	26 November 2020	
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
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	26 November 2020	

Appendix 1: FDS Package B Appropriation area



Appendix 2: Plot 18: 57-76 Northchurch & Taplow Ramp Appropriation area



AYLESBURY ESTATE: APPROPRIATION***Appendix 3*****Appropriation of the land (shown hatched on the plan) at Appendix 1 and Appendix 2 for purposes set out in section 226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985****Background to appropriation**

1. Under section 122(1) of the Local Government Act 1972 the Council may appropriate land for any purpose for which it is authorised to acquire land when the land is no longer required for the purposes for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990 the Council may acquire land if it thinks the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated in the regeneration of the subject land at the FDS Site and the Plot 18 site. The power in section 226(1) (a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.
3. There are clear social and environmental benefits resulting from the implementation of the development schemes for the FDS site and Plot 18 site. This enables the demolition and redevelopment of the FDS and Plot 18 in line with the consented schemes for those sites, which will deliver a significant quantum of new high-quality homes, across a range of tenures, including council homes and including specialist accommodation for residents with learning difficulties, those with extra care needs and those aged over 55 years of age, as well as a number of community facilities, as set out in the main report. This will contribute significantly to delivering the council's vision for the regeneration of the wider Aylesbury estate in accordance with the Aylesbury Area Action Plan and thereby contributing to the social, economic and environmental well being of the estate and the wider borough. Accordingly, the Council may appropriate for the purposes of the development proposals, land that it already owns if that land is no longer required for the purposes for which it is held.
4. The land shown on the plan at Appendix 1 is vacant save for Ellison House (which is shortly to relocate to the new premises delivered by the council) and is no longer required for its current purpose - housing and ancillary uses - and is not needed in the public interest for those purposes. The land can therefore be appropriated from its current use. The land shown on the plan at Appendix 2 is vacant save for one TA unit (which occupants the council is currently actively looking to re-house) and is no longer required for its current purpose - housing and ancillary uses - and is not needed in the public interest for those purposes. The land can therefore be appropriated from its current use. As the appropriation to planning purposes of these land parcels will facilitate the scheme of development to deliver the redevelopment of the FDS site and the Plot 18 site in accordance with the existing detailed planning consents, these may be appropriated for planning purposes.

5. Where land has been appropriated for planning purposes, Section 203 of the Housing and Planning Act 2016 (power to override easements and other rights) applies such that the erection, construction or carrying out or maintenance of any building or work on the land (by the council or a person deriving title from the council) is authorised if it is done in accordance with planning permission, notwithstanding that it interferes with certain private rights such as restrictive covenants and easements. The effect of triggering section 203 is that private rights are effectively overridden and converted into a claim for compensation pursuant to s 204. The level of compensation for interference with rights or breach of restrictive covenant is assessed on the basis of the loss in value of the claimant's land as a consequence of the interference or breach of covenant. An important consequence of the operation of Section 203 is that a claimant cannot secure an injunction, to prevent the development from going ahead – as indicated above, their remedy is a claim for compensation.
6. Prior to developing land, it is usual practice to make prudent enquiries of what rights might exist over the land; this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights may not be apparent from inspection and historic ones may not always be recorded at the Land Registry. The application of the power to override rights contained in s203 therefore mitigates this risk.
7. The right to claim compensation for the depreciation in value caused by the loss of right is enforced against the owner of the land, which in this case is the Council.

Rationale for appropriating the subject sites to planning purposes

8. The sites outlined in Appendix 1 and Appendix 2 are currently vacant and in the process of becoming vacant, having been cleared in order to bring forward the redevelopment of the site in accordance with the adopted planning framework to address a need for new homes including affordable housing, and new community facilities, the sites have been identified to be redeveloped for this purpose. Planning consents have been secured for both schemes and both have already been implemented. As there may be some impact on the rights of nearby residents from the consented scheme there is the risk one or more of them may apply to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed. In these circumstances, it is appropriate to utilise the powers of section 203 to overcome this risk and enable the redevelopment of the FDS site and the Plot 18 site enabling much-needed new homes and community facilities to be built.
9. As indicated above, the land areas are now required to be held for planning purposes to facilitate the redevelopment proposals within the planning permission for the FDS site and the Plot 18 site. When land has been appropriated, for section 203 purposes it will continue to benefit from its over-riding provisions even when the land is no longer held for planning purposes.
10. The land identified at Appendix 1 and Appendix 2 is no longer required to be held for housing purposes. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission.
11. The appropriation of the land, whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land, will not take away their ability to claim for compensation in respect of any diminution in the value

of their land as a result of their rights being overridden.

Rationale for appropriating the subject site to back to housing purposes

12. Once the land is appropriated for planning purposes, it should be appropriated back to housing purposes as this will be its ultimate usage and the cleansing effect of section 203 means that it can be developed in confidence that the works won't be at risk of an application for an injunction to frustrate the development.
13. Section 9 (1) (a) of the Housing Act 1985 provides a local housing authority may provide housing accommodation by erecting houses on land acquired. It is therefore apt that, following the section 203 appropriation, the land is appropriated in accordance with section 122(1) of the Local Government Act 1972 for purposes within section 9 (1) (a) of the Housing Act 1985. The sites will be developed to provide residential accommodation over a range of tenures, including a significant quantum of new homes at social rents, and council rents, as well as specialist residential accommodation for people with learning difficulties those with extra care needs and those over 55 years of age, as well as a number of community facilities, which are authorised by s12 of the Housing Act 1985. This provides that a local authority may provide other land and buildings for the benefit of persons for whom housing has been provided.

Item No. 25.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Appropriation of land: 345 Southwark Park Road, Bermondsey SE16 2JN	
Ward:		North Bermondsey	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER HOUSING

At the time of writing, more than 14,000 households were recorded on Southwark’s housing register in need of rehousing, having risen sharply as a consequence of the pandemic – behind these figures are stories of families living in overcrowded homes, delaying key life decisions 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 pursuing an ambitious programme for building new council homes.

Next year, our partner Lovell will begin construction of twenty-two new council homes at 345 Southwark Park Road, as part of our long-term commitment to build 11,000 new council homes by 2043. Unlike in previous periods of council house building where large sites lent themselves to comprehensive estate development and (relatively) simpler approaches to land assembly, today most of our development sites involve the repurposing of existing housing land with a greater risk of historic property rights emerging that may frustrate the process. We owe it to residents on our waiting list and to neighbouring residents who have contributed positively to the design and associated landscaping of these new homes to mitigate any risk to the development, even where the risk is remote. Cabinet is therefore recommended to approve the appropriation of the highlighted land from housing to planning and back to housing, an administrative process that will enable construction of the approved scheme to proceed with confidence.

RECOMMENDATIONS

That Cabinet:

1. confirms that the land shown edged red on the plan at Appendix A that is currently held for social care purposes is no longer required for those purposes and approves the appropriation of the land to planning purposes to facilitate the carrying out of 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.

2. confirms that following completion of the appropriation at paragraph 1 the land shown edged red on the plan at Appendix A will no longer be required for planning purposes and approves the appropriation of the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

BACKGROUND INFORMATION

3. The land in question comprises a single storey building that was used as a day centre for elderly persons with health issues. The care formerly provided is now delivered elsewhere and for some time the property has been surplus to social care purposes. It is owned freehold by the Council and currently occupied by guardians to protect against unauthorised occupation. It is situated at the junction of Layard and Southwark Park Roads. It is shown edged red on the attached plan and comprises an area of 1,600m² or thereabouts.
4. On 17 November 2020 Planning Sub-Committee B resolved to grant consent for the demolition of the former day centre and the provision of new housing on the site.
5. 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 recommended appropriations in this report are to further this commitment.
6. In pursuit of this commitment, a number of sites throughout the borough have been identified as providing capacity for additional new homes. Once identified, the development of those sites is consulted upon with the local community, a planning application is made and if appropriate planning consent is granted for the proposed new homes. Thereafter, if there are any third party rights that present a risk to the development Cabinet has been asked on a number of occasions to appropriate the site to mitigate such risk. This report is another to enable the de-risking of a development that will provide new additional housing for social rent. It also approves the land being transferred from the general fund (social care use) to the housing revenue account (housing use).
7. The scheme approved by the Planning Sub-Committee will provide for:
 - ◆ 46 New Homes
 - ◆ Office and community ground floor space
 - ◆ Landscaping and enhanced public realm
 - ◆ Cycle parking bays and wheelchair vehicle access parking
8. The Planning Sub-Committee's resolution is for mixed tenure housing with twenty-two (48%) of the homes being for Council rent. The other twenty-four are for market sale to support financially the scheme.

9. This scheme forms part of the Southwark Regeneration in Partnership programme and the Council's selected is Lovells. The recommendations in this report will enable construction to commence early in the next year.

KEY ISSUES FOR CONSIDERATION

10. The approved scheme will see a block of flats of six and seven stories in height constructed with the offices/community accommodation on the ground floor. It will be brick faced and have a flat roof. The report to the Planning Sub-Committee commented "The detailed design is considered to be of a high quality". As part of the planning process a lighting report was obtained from a specialist surveyor. This is considered in the planning report and for daylighting and sunlighting and identifies some interference with the lighting enjoyed by some neighbouring properties. The report concludes if the scheme is built the day lighting sunlighting impact in the locality will see:

"a minority of buildings which are below the values recommended by the BRE (Building Research Establishment)"

11. The daylighting/sunlighting report whilst generally positive does recognise there will be some impact to neighbouring properties. The most significant impact will be to the Bede Housing Association Office immediately to the east of the subject site. That is a workspace rather than a residence. They will be adverse day lighting impact to some homes in Fenner Close immediately to the north of the site twelve windows to these homes may see slightly reduced daylighting at times from the new building. These adverse impacts were not of a degree to cause refusal of the scheme from a planning perspective but their existence poses a risk in being able to build the scheme because affected persons may apply to the court for an injunction to stop it proceeding.
12. The determined planning application has taken into account daylighting and sunlighting issues. As part of the planning process around four hundred nearby properties were consulted and a number of responses were received. The material objections from a planning perspective concerned:
- ❖ Ground floor office/community use
 - ❖ Existing parking shortage in area will be exaggerated
 - ❖ Height and density of scheme
 - ❖ Adverse daylight and sunlight
 - ❖ Air quality
 - ❖ Removal of two mature trees.

Appropriations

13. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights enjoyed over the land can be

overridden. The beneficiaries of such rights may however claim compensation [equal to the loss in value of their property caused by losing the right] but cannot seek an injunction to delay or terminate the development. This will give the Council's partner the certainty that having commenced construction works a person with the benefit of an unregistered (with the Land Registry) right over land (such as a right to light) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites. As mentioned, the beneficiary of any such right is entitled to financial compensation for the loss of the right. The Council could either insure against such compensation claims but this will be costly or accept the risk of an injunction that may be fatal to development or result in perhaps significant unquantifiable costs.

14. The compensation persons affected by the loss of light may be entitled to is based on the value of their properties before the right has been infringed versus the value of the property with the infringed right. This compensation is based on the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber).
15. In this case it is recommended that the land edged red on the plan be appropriated from social care purposes to planning purposes. This will mitigate the risk of legal action designed to frustrate the development being instigated. Thereafter it is recommended the land appropriated to housing purposes as to hold the land for planning purposes will not be consistent with the ultimate use of the land.
16. The rationale for the appropriations of the land shown at Appendix A is set out at Appendix B and Cabinet is recommended to approve the appropriations.
17. The appropriation stages is summarised below:

Land currently held for social care purposes

Appropriate from social care to planning	⇩	Third party rights infringed by development cannot be enforced by injunction
Appropriate from planning to housing	⇩	Construction of new housing can proceed

18. Cabinet has received similar reports to enable new housing schemes to proceed to address the shortage of affordable housing within the Borough.

Rationale for recommendations

19.
 - a. To mitigate against the construction of new social housing being frustrated or delayed by injunctions/
 - b. To de-risk the construction project so as to encourage the maximum number of bidders and achieve a lower construction cost.
 - c. To deliver a current Council Plan commitment.

Community impact statement

20. The 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.
21. 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.
22. 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.
23. 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.

24. If the recommendations set out are approved, the council's partner will be able to proceed with the construction of forty-six new houses. It will also result in the demolition of a surplus day centre. Based on the information available it is not considered there are any particular groups sharing a protected characteristic that will be adversely impacted by the proposals. Indeed the new housing especially the homes for Council lettings should be beneficial across the range of protected characteristics.

Financial Implications

25. When land and property is appropriated between the HRA and the general fund, adjustments are required to reflect the change in the respective debt liabilities, as measured by the Capital Financing Requirement (CFR). Ownership of the land does not change; the council itself owns all assets regardless of the power under which they are held.
26. The adjustment in respect of the appropriation of the social care land will result in an increase in the HRA CFR of £2.83m and a corresponding decrease in the general fund CFR. As a consequence, there will be an increase in the interest charged to the HRA and a corresponding reduction for the General Fund together with a saving on Minimum Revenue Provision (the amount set aside for debt repayment). Based on the average weighted cost of borrowing (3.6% at March 2020), the interest charge will be in the region of £102k per annum.
27. Under the provisions of s204 of the Housing and Planning Act 2016 if there is a claim for compensation arising as a consequence of the proposed appropriation the person causing the infringement e.g. reduction in lighting is liable for any compensation that is payable. In this case it will be the Council's development partner Lovells. However, if the person causing the infringement does not pay then liability will transfer to the Council who may then seek recovery from its partner.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

28. The report recommends the appropriation of council-owned land currently held for social care purposes to planning purposes, and thereafter, the appropriation of that land for housing purposes.
29. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 ("the 1972 Act") to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where is no longer required for the purpose for which it is held immediately before the appropriation.

30. The land must already belong to the council. Paragraph 3 of the report confirms that the land to be appropriated is in the council's freehold ownership.
31. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph 8 of Appendix B that the land is no longer required for social care purposes.
32. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 ("TCPA 1990") defines such purposes as, inter alia, those for which can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.
33. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes "which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated." S226 also authorises the acquisition of land "... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land." In the case of either s226 or s227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question these are likely to "contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area." The Council's plan to build new homes on the land, of which, all are council homes for rent and is capable of falling within all three categories.
34. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 TCPA.

S203 says:

"(1) A person may carry out building or maintenance work to which this subsection applies even if it involves

(a) interfering with a relevant right or interest...

(2) Subsection (1) applies to building or maintenance work where –

(a) there is planning consent for the building or maintenance work,

- (b) the work is carried out on land that has at any time on or after the day on which this section comes into force
 - (i) become vested in or acquired by a specified authority or
 - (ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [*i.e. for purposes for which an authority can acquire land under ss226 and 227*]
 - (c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and
 - (d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”
35. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those third party rights are converted into an entitlement to compensation to be calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.
36. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with third party rights.
37. Following the appropriation of the land for planning purposes it is recommended that the land is appropriated for housing purposes, as the land is to be used for the provision of new housing. At that point the land will no longer be required for planning purposes and will be appropriated for housing purposes.
38. Because of the potential liability for compensation which attaches to the Council pursuant to s204 of the Housing and Planning Act 2016 the Council should seek an indemnity from the developer in respect of any compensation payments which may arise as a result of the development.

Strategic Director of Finance and Governance (FC20/16)

39. This report is requesting cabinet to note that the land edged red on the plan at Appendix A currently held for social care purposes is no longer required for such purposes and therefore approve the appropriation of the land for planning purposes to facilitate the development proposals for the area.

40. Following the above appropriation, cabinet is also requested to approve appropriation of the land for housing purposes in line with the Council Plan.
41. The Strategic Director of Finance and Governance notes that the site has been declared as surplus for social care purposes. Full details and background are provided within the main body of the report.
42. Details of the financial implications are contained within the report and the Strategic Director of Finance and Governance notes that the proposed land appropriation between the general fund and housing revenue account is proposed to occur in such a way that it will have a neutral financial impact on the overall council finances.
43. Staffing and any other costs relating to this report to be contained within existing departmental revenue budgets.

Strategic Director of Housing and Modernisation

44. This report ensures that the proposed development of 345 Southwark Park Road scheme can progress with the avoidance of legal challenge. The rights of light issues from the scheme are not considered significant but nevertheless exist. Extensive consultation with local residents, together with a commitment to make a minimum of 50% of the new homes for Council lettings available to local tenants in housing need leads the way in which social housing can be developed in inner cities. The scheme contributes to the Council's target to build 2,500 new homes by 2022 and its pledge to build 11,000 new homes by 2043.

BACKGROUND DOCUMENTS

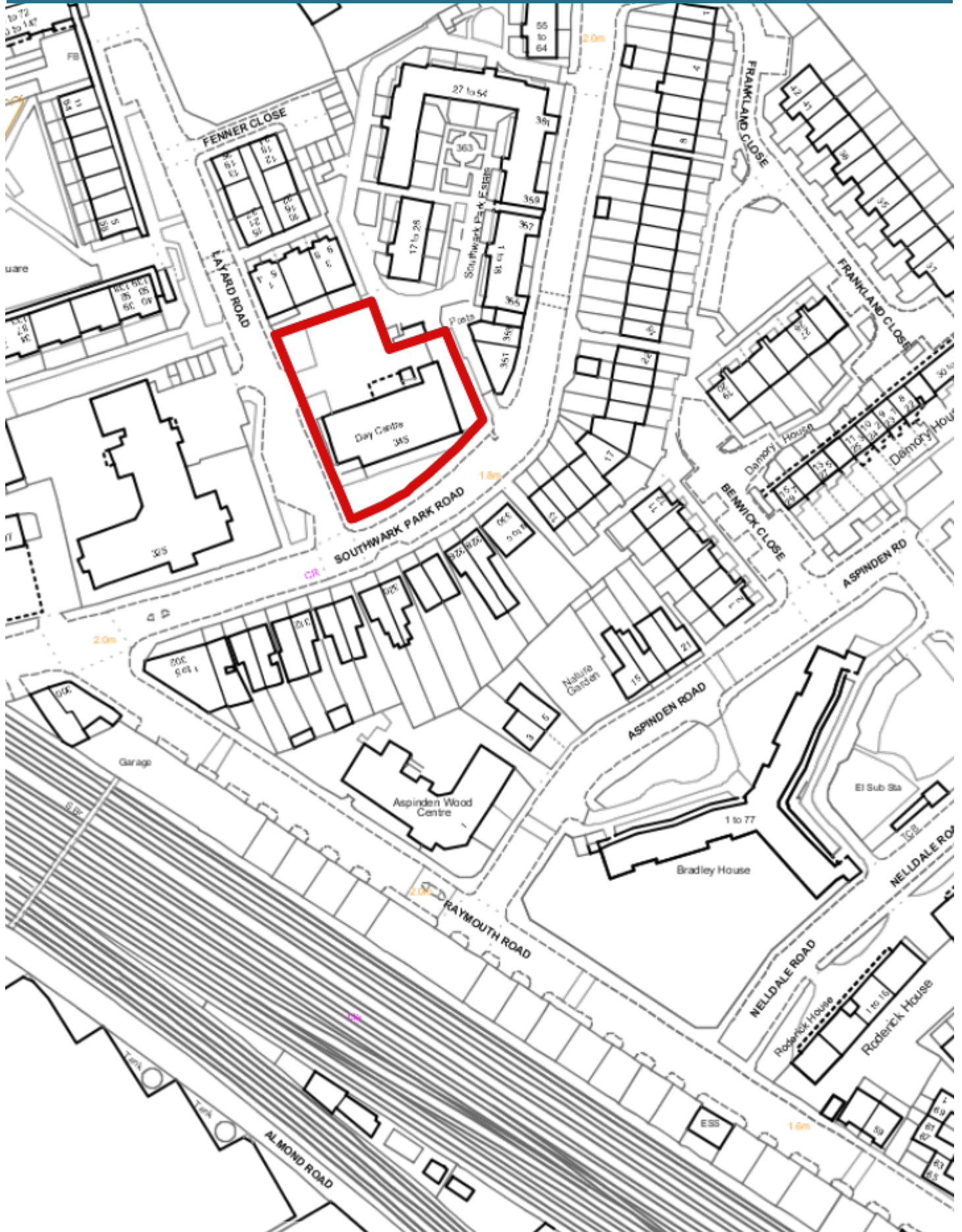
Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf
Planning documentation	https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QAKH5AKBFUM00
17 November 2020 report to Planning Sub Committee B	http://moderngov.southwark.gov.uk/documents/s91178/Item%207.1%20Report.pdf

APPENDICES

Appendix	Title
Appendix A	345 Southwark Park Road
Appendix B	Rationale for appropriations of the land

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Patrick McGreal, Regeneration North	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	26 November 2020	



345 Southwark Park Road, Bermondsey, SE16 2JN
Appendix B

Appropriation of the land (shown hatched red and green on the plan) at Appendix A for purposes set out in s226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985

Background to appropriation

1. Under section 122(1) of the Local Government Act 1972 the Council may appropriate land for any purpose for which it is authorised to acquire land when the land is no longer required for the purposes for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990 the Council may acquire land if they think the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated in the redevelopment of the subject former daycare centre. The power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. There are clear economic social and environmental and social benefits associated with the provision of new housing at Southwark Park Road, namely providing people with quality accommodation that may result in better educational attainment and general well being, and employment opportunities from the construction works. Accordingly the Council may appropriate land for the purposes of the development proposals land that it already owns if that land is no longer required for the purposes for which it is held. The land shown on the plan at Appendix A is no longer required for its current purposes for the reasons set out below and is not needed in the public interest for those purposes. The land can therefore be appropriated from its current use. As the appropriation will facilitate the new housing development proposals it may be appropriated for planning purposes.
3. Where land has been appropriated for planning purposes Section 203 of the Housing and Planning Act 2016 (power to override easements and other rights) applies such that the erection, construction or carrying out or maintenance of any building or work on the land (by the council or a person deriving title from the council) is authorised if it is done in accordance with planning permission, notwithstanding that it interferes with certain private rights such as restrictive covenants and easements. The effect of triggering section 203 is that private rights are effectively overridden and converted into a claim for compensation pursuant to s 204. The level of compensation for interference with rights or breach of restrictive covenant is assessed on the basis of the loss in value of the claimant's land as a consequence of the interference or breach of covenant. An important consequence of the operation of Section 203 is that a claimant cannot secure an injunction, to prevent the development from going ahead - as indicated above, their remedy is a claim for compensation.
4. Prior to developing land it is usual practice to make prudent enquiries of what rights might exist over the land, this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights may not be apparent from inspection and historic ones may not always be recorded

at the Land Registry. The application of the power to override rights contained in s203 therefore mitigates this risk.

5. The right to claim compensation for the depreciation in value caused by the loss of right is enforced against the owner of the land which in this case is the Council.

Rationale for appropriating the subject sites to planning purposes

6. The former daycentre is under utilised in land use terms and the need for new housing including dwellings to let at affordable rent levels greatly exceeds the existing use need. In pursuance of the adopted Council Plan and to address a need for new affordable housing, the site has been identified to be redeveloped for this purpose. It has been resolved to grant planning consent for the scheme outlined in paragraph 11 of the main report. Construction of the consented scheme may adversely affect the rights to a limited number of nearby properties appropriation will eliminate any risk of one or more of affected owners applying to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed. In any event, the risk of an application for an injunction is such that it will defer the Council's partner from constructing the new housing. In these circumstances it is appropriate to utilise the powers of section 203 to overcome this risk and enable the much needed new homes to be built.
7. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission for new housing. When land has been appropriated for section 203 purposes it will continue to benefit from its over-riding provisions even when the land is no longer held for planning purposes.
8. The land shown hatched red at Appendix A is no longer required to be held for social care purposes. As indicated above, this land is now required to be held for planning purposes to facilitate the redevelopment proposals.

Rationale for appropriating the subject site to housing purposes

9. Once the land is appropriated for planning purposes it should be appropriated to housing purposes as this will be its ultimate usage and the cleansing effect of s203 means that it can be developed in confidence that the works won't be at risk of an application for an injunction to frustrate the development.
10. Section 9(1)(a) of the Housing Act 1985 provides a local housing authority may provide housing accommodation by erecting houses on land acquired. It is therefore apt that following the s203 appropriation the land is in accordance with section 122(1) of the Local Government Act 1972 appropriated for purposes within section 9(1)(a) of the Housing Act 1985.
11. The appropriation of the land whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land will not take away their ability to claim for compensation in respect of any diminution in the value of their land as a result of their rights being overridden.

Item No. 26.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Appropriation of land: garage compound Fendall Street Bermondsey	
Ward:		London Bridge & West Bermondsey	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

At the time of writing, more than 14,000 households were recorded on Southwark’s housing register in need of rehousing, having risen sharply as a consequence of the pandemic – behind these figures are stories of families living in overcrowded homes, delaying key life decisions 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 pursuing an ambitious programme for building new council homes.

Next year, we will begin construction on sixteen new council homes at Fendall Street, as part of our long-term commitment to build 11,000 new council homes by 2043. Unlike in previous periods of council house building where large sites lent themselves to comprehensive estate development and (relatively) simpler approaches to land assembly, today most of our development sites involve the repurposing of existing housing land with a greater risk of historic property rights emerging that may frustrate the process. We owe it to residents on our waiting list and to neighbouring residents who have contributed positively to the design and associated landscaping of these new homes to mitigate any risk to the development, even where the risk is remote. Cabinet is therefore recommended to approve the appropriation of the highlighted land from housing to planning and back to housing, an administrative process that will enable construction of the approved scheme to proceed with confidence.

RECOMMENDATIONS

That Cabinet:

1. confirms that the land shown edged red on the plan at Appendix A that is currently held for housing purposes is no longer required for those purposes and approves the appropriation of the land to planning purposes to facilitate the carrying out of 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.

2. confirms that following completion of the appropriation at paragraph 1 the land shown edged red on the plan at Appendix A will no longer be required for planning purposes and approves the appropriation of the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

BACKGROUND INFORMATION

3. The land in question comprises lock up garages and hard surfaced land used for parking and a store used for estate maintenance and is shown edged red on the plan at Appendix A to this report. In the early part of the twentieth century the site contained terraced housing but in the 1960s the existing buildings were erected. The Council holds the freehold interest in the land. It is situated in a predominantly residential locality yet with easy access to London Bridge and City of London. It is a locality where the Council has limited opportunity to add to its housing stock yet the need for affordable housing here, like everywhere in the Borough, is great.
4. On 14 September 2020 Planning Sub-Committee resolved subject to the completion of a unilateral agreement (the equivalent of a s106 agreement where the applicant is the Council) that consent be given for the demolition of the garages and store and the provision of new housing on the site.
5. 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 recommended appropriations in this report are to further this commitment.
6. In pursuit of this commitment, a number of sites throughout the borough have been identified as providing capacity for additional new homes. Once identified, the development of those sites is consulted upon with the local community, a planning application is made and if appropriate planning consent is granted for the proposed new homes. Thereafter, if there are any third party rights that present a risk to the development Cabinet has been asked on a number of occasions to appropriate the site to mitigate such risk. This report is another to enable the de-risking of a development that will provide new additional housing for social rent.
7. The consented scheme referred to above will provide for:

6	x	One bedroom flats
7	x	Two bedroom flats
3	x	Three bedroom flats and maisonettes
1	x	Ball court
1	x	Children's playspace

4	x	Disabled parking spaces
46	x	Cycle parking spaces
		Landscaping of the grounds

8. All of these sixteen new homes will provide housing to be let at Council rent levels.
9. The contract for the construction will shortly be procured and it is intended for construction to commence early next year.

KEY ISSUES FOR CONSIDERATION

10. The consented scheme will be provided by a five storey block that is clad in brickwork under a flat roof. It has been designed to be in sympathy with the surrounding St Saviour's Estate. The neighbouring blocks St Vincent House, and St Owen House, are respectively seven and eight stories in height. In keeping with the Great Estates initiative the scheme will deliver benefit for the wider St Saviours Estate including a ball court and children's play area. As part of the planning process, a lighting report was obtained from a specialist surveyor. This was considered in the planning process and for daylighting and sunlighting and identifies some interference with the daylighting enjoyed by some secondary windows in Melford Court and some windows in St Owen's House. The report concludes:

"Overall, the daylight and sunlight impact should be regarded as acceptable."

11. The daylighting/sunlighting report whilst generally positive does recognise there will be some impact to neighbouring properties. These adverse impacts were not of a degree to cause refusal of the scheme from a planning perspective but their existence poses a risk in being able to build the scheme because affected persons may apply to the court for an injunction to stop it proceeding.
12. The determined planning application has taken into account daylighting and sunlighting issues. As part of the planning process nearby properties were consulted and seven objections to the application on the grounds of impairment of lighting to nearby properties were received.

Appropriations

13. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights enjoyed over the land can be overridden. The beneficiaries of such rights may however claim compensation [equal to the loss in value of their property caused by losing the right] but cannot seek an injunction to delay or terminate the development. This will give the Council the certainty that having commenced construction works a person with the benefit of an

unregistered (with the Land Registry) right over land (such as a right to light) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites. As mentioned, the beneficiary of any such right is entitled to financial compensation for the interference of the right. The Council could either insure against such compensation claims but this will be costly or accept the risk of an injunction that may be fatal to development or result in perhaps significant unquantifiable costs.

14. The compensation persons affected by the loss of light may be entitled to is based on the value of their properties before the right has been infringed versus the value of the property with the infringed right. This compensation is based on the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber).
15. In this case it is recommended that the land edged red on the plan be appropriated from housing purposes to planning purposes. This will mitigate the risk of legal action designed to frustrate the development being instigated. Thereafter it is recommended the land appropriated to housing purposes as to hold the land for planning purposes will not be consistent with the ultimate use of the land.
16. The rationale for the appropriations of the land shown at Appendix A is set out at Appendix B and Cabinet is recommended to approve the appropriations.
17. The appropriation stages is summarised below:

Land currently held for housing purposes

Appropriate from housing to planning	⇩	Third party rights infringed by development cannot be enforced by injunction
Appropriate from planning to housing	⇩	Construction of new housing can proceed

18. Cabinet has received similar reports to enable new housing schemes to proceed to address the shortage of affordable housing within the Borough.

Rationale for recommendations

19.
 - a. To mitigate against the construction of new social housing being frustrated or delayed by injunctions/
 - b. To de-risk the construction project so as to encourage the maximum number of bidders and achieve a lower construction cost.

- c. To deliver a current Council Plan commitment.

Community impact statement

20. The 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.
21. 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.
22. 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.
23. 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.
24. If the recommendations set out are approved, the Council will be able to proceed with the construction of twenty-four new homes. It will also result in the demolition of fourteen garages. Based on the information available it is not considered there are any particular groups sharing a protected characteristic that will be adversely impacted by the proposals.

Indeed, the new housing should be beneficial across the range of protected characteristics.

Financial Implications

25. The demolition of the existing garages and construction of the new homes will have a significant cost and an approved budget exists for this. The budget will need to make provision for any compensation claims for diminution in value that may arise as a consequence of the construction of the new homes. The budget will be reviewed when the procurement process mentioned at paragraph 9 has been completed.
26. Where land is appropriated from the housing revenue account to the general fund there is a transfer of debt between the accounts. When land is appropriated from general fund to the housing revenue account this debt transfer is reversed. As both appropriations will take place on the same day there will be no net transfer of debt, and there are, therefore, no financial implications arising directly from the recommendations made in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

27. The report recommends the appropriation of council owned land for planning purposes, and thereafter, the appropriation of that land for housing purposes.
28. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 (“the 1972 Act”) to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where is no longer required for the purpose for which it is held immediately before the appropriation.
29. The land must already belong to the council. Paragraph 3 of the report confirms that the land to be appropriated is in the council’s freehold ownership.
30. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph 8 of Appendix B that the land is no longer required for housing purposes.
31. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 (“TCPA 1990”) defines such purposes as, inter alia, those for which can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land

compulsorily by s226 TCPA 1990.

32. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes “which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.” S226 also authorises the acquisition of land “... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.” In the case of either s226 or s227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question these are likely to “contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area.” The Council’s plan to build new homes on the land, of which all are council homes for rent, is capable of falling within all three categories.
33. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 TCPA.

S203 says:

“(1) A person may carry out building or maintenance work to which this subsection applies even if it involves

(a) interfering with a relevant right or interest...

(2) Subsection (1) applies to building or maintenance work where –

(a) there is planning consent for the building or maintenance work,

(b) the work is carried out on land that has at any time on or after the day on which this section comes into force

(i) become vested in or acquired by a specified authority or

(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [*i.e. for purposes for which an authority can acquire land under ss226 and 227*]

(c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and

(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”

35. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those third party rights are converted into an entitlement to compensation to be calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.
36. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with third party rights.
37. Following the appropriation of the land for planning purposes it is recommended that the land is appropriated for housing purposes, as the land is to be used for the provision of new housing. At that point the land will no longer be required for planning purposes and will be appropriated for housing purposes.

Strategic Director of Finance and Governance (H&M20/087)

38. The Strategic Director of Finance and Governance notes the recommendation to appropriate land as described in order to facilitate regeneration and the building of new homes at Fendall Street. This land appropriation is proposed to occur in such a way that it will have a neutral financial impact. This scheme forms part of the Council’s new homes direct delivery programme and any associated costs will be contained with the Housing Investment Programme.

Strategic Director of Housing and Modernisation

39. This report ensures that the proposed development of the Fendall Street garage scheme can progress with the avoidance of legal challenge. The rights of light issues from the scheme are not considered significant but nevertheless exist. Extensive consultation with local residents, together with a commitment to make a minimum of 50% of the new social rented homes available to local tenants in housing need leads the way in which social housing can be developed in inner cities. The scheme contributes to the Council’s target to build 2,500 new homes by 2022 and its pledge to build 11,000 new homes by 2043.

BACKGROUND DOCUMENTS

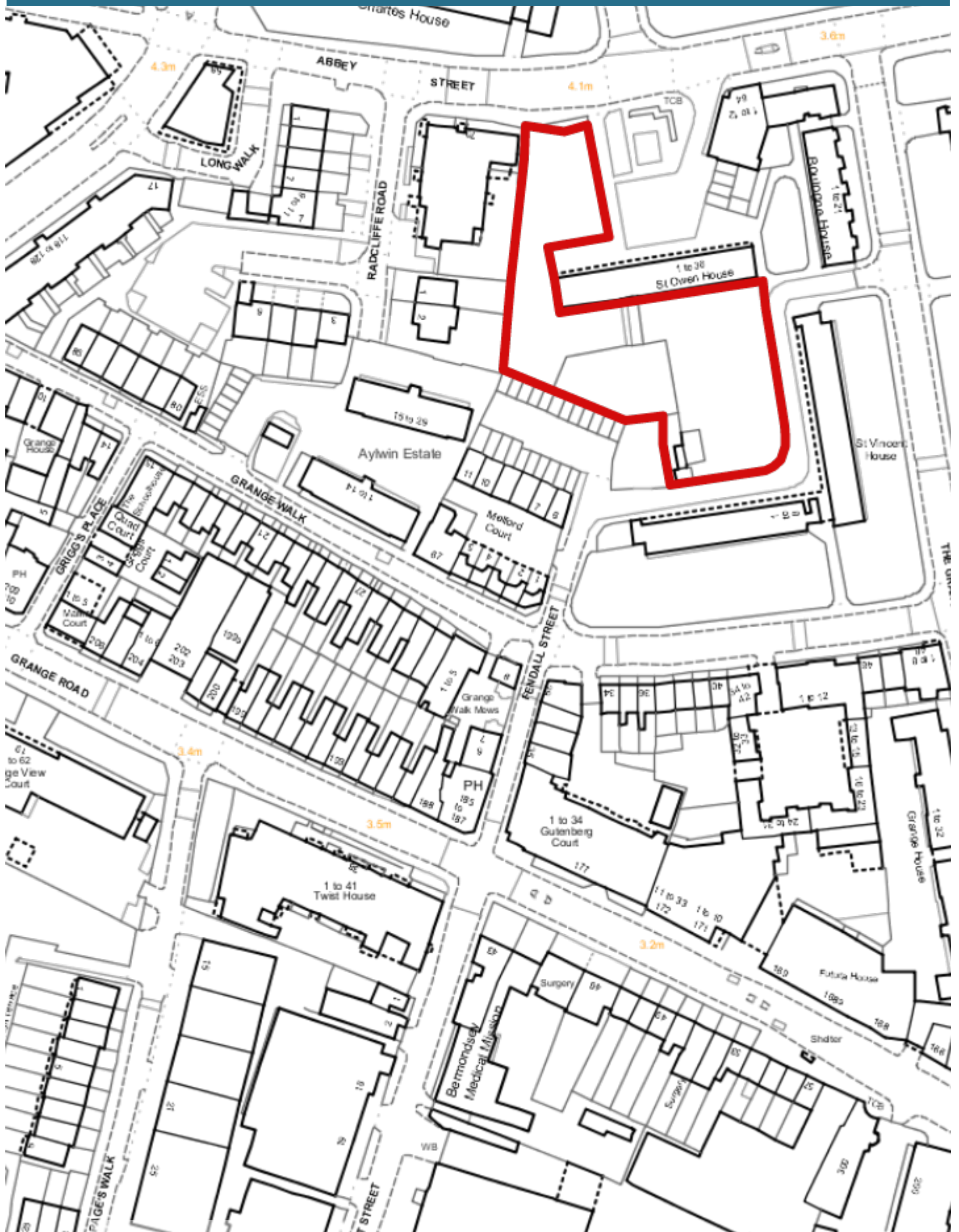
Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf
Planning documentation	https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QB1ONZKBG0F00
Report to Planning Sub-Committee B 14 September 2020	http://moderngov.southwark.gov.uk/documents/s90399/Item%207.2%20Report.rtf.pdf

APPENDICES

Appendix	Title
Appendix A	Garage compound Fendall Street Bermondsey
Appendix B	Rationale for appropriations of the land

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Eleanor Kelly; Chief Executive	
Report Author	Patrick McGreal, Regeneration North	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	26 November 2020	



50 m

Scale = 1250

27-Oct-2020

GARAGE COMPOUND FENDALL STREET BERMONDSEY***Appendix B***

Appropriation of the land (shown edged red on the plan) at Appendix A for purposes set out in s226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985

Background to appropriation

1. Under section 122(1) of the Local Government Act 1972 the Council may appropriate land for any purpose for which it is authorised to acquire land when the land is no longer required for the purposes for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990 the Council may acquire land if they think the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated in the redevelopment of the subject garages and maintenance store. The power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. There are clear economic social and environmental and social benefits associated with the provision of new housing at the garage compound at Fendall Street identified on the plan at Appendix A namely providing people with quality accommodation that may result in better educational attainment and general well being, and employment opportunities from the construction works. Accordingly, the Council may appropriate land for the purposes of the development proposals land that it already owns if that land is no longer required for the purposes for which it is held. The land in question is no longer required for its current purposes for the reasons set out below and is not needed in the public interest for those purposes. The land can therefore be appropriated from its current use. As the appropriation will facilitate new housing development it may be appropriated for planning purposes.
3. Where land has been appropriated for planning purposes Section 203 of the Housing and Planning Act 2016 (power to override easements and other rights) applies such that the erection, construction or carrying out or maintenance of any building or work on the land (by the council or a person deriving title from the council) is authorised if it is done in accordance with planning permission, notwithstanding that it interferes with certain private rights such as restrictive covenants and easements. The effect of triggering section 203 is that private rights are effectively overridden and converted into a claim for compensation pursuant to section 204. The level of compensation for interference with rights or breach of restrictive covenant is assessed on the basis of the loss in value of the claimant's land as a consequence of the interference or breach of covenant. An important consequence of the operation of Section 203 is that a claimant cannot secure an injunction, to prevent the development from going ahead - as indicated above; their remedy is a claim for compensation.
4. Prior to developing land it is usual practice to make prudent enquiries of what rights might exist over the land, this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights

may not be apparent from inspection and historic ones may not always be recorded at the Land Registry. The application of the power to override rights contained in s203 therefore mitigates this risk.

5. The right to claim compensation for the depreciation in value caused by the loss of right is enforced against the owner of the land which in this case is the Council.

Rationale for appropriating the subject site to planning purposes

6. The subject land is under utilised in land use terms and the need for new housing at affordable rent levels greatly exceeds the existing use need. In pursuance of the adopted Council Plan and to address a need for new affordable housing, the site has been identified to be redeveloped for this purpose. Planning consent has been secured for the scheme outlined in paragraph 7 of the main report. Although it is unlikely that there will be a significant impact on the rights of light to nearby residents from the consented scheme appropriation will eliminate any risk of one or more of them may applying to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed. In any event, the risk of an application for an injunction is such that it will defer prospective builders from bidding to construct the new housing or result in a substantial risk contingency that undermines the viability of construction. In these circumstances it is appropriate to utilise the powers of section 203 to overcome this risk and enable the much needed new homes to be built.
7. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission for new housing. When land has been appropriated for section 203 purposes it will continue to benefit from its over-riding provisions even when the land is no longer held for planning purposes.
8. The land shown edged red at Appendix A is no longer required to be held for housing purposes. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission.

Rationale for appropriating the subject site to back to housing purposes

9. Once the land is appropriated for planning purposes it should be appropriated back to housing purposes as this will be its ultimate usage and the cleansing effect of s203 means that it can be developed in confidence that the works won't be at risk of an application for an injunction to frustrate the development.
10. Section 9 (1) (a) of the Housing Act 1985 provides a local housing authority may provide housing accommodation by erecting houses on land acquired. It is therefore apt that following the s203 appropriation the land is in accordance with section 122(1) of the Local Government Act 1972 appropriated for purposes within section 9 (1) (a) of the Housing Act 1985.
11. The appropriation of the land whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land will not take away their ability to claim for compensation in respect of any diminution in the value of their land as a result of their rights being overridden.

Item No. 27.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Appropriation of land: carpark at Heaton Road/Claude Road Peckham	
Ward:		Rye Lane	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

At the time of writing, more than 14,000 households were recorded on Southwark’s housing register in need of rehousing, having risen sharply as a consequence of the pandemic – behind these figures are stories of families living in overcrowded homes, delaying key life decisions 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 pursuing an ambitious programme for building new council homes.

Next year, we will begin construction on eight new council homes at Heaton Road, as part of our long-term commitment to build 11,000 new council homes by 2043. Unlike in previous periods of council house building where large sites lent themselves to comprehensive estate development and (relatively) simpler approaches to land assembly, today most of our development sites involve the repurposing of existing housing land with a greater risk of historic property rights emerging that may frustrate the process. We owe it to residents on our waiting list and to neighbouring residents who have contributed positively to the design and associated landscaping of these new homes to mitigate any risk to the development, even where the risk is remote. Cabinet is therefore recommended to approve the appropriation of the highlighted land from housing to planning and back to housing, an administrative process that will enable construction of the approved scheme to proceed with confidence.

RECOMMENDATIONS

That Cabinet:

1. confirms that the land shown edged red on the plan at Appendix A that is currently held for housing purposes is no longer required for those purposes and approves the appropriation of the land to planning purposes to facilitate the carrying out of 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.

2. confirms that following completion of the appropriation at paragraph 1 the land shown edged red on the plan at Appendix A will no longer be required for planning purposes and approves the appropriation of the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

BACKGROUND INFORMATION

3. The land in question comprises a carpark (eleven spaces) provided as part of the Council's Heaton House residential block. In the light of the current shortage of affordable housing and the availability of on street parking in the locality, it is considered the change of the land from parking to housing is overall beneficial to society.
4. On 25 February 2020 by way of a delegated decision planning consent was given for the provision of new housing on the site.
5. 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 recommended appropriations in this report are to further this commitment.
6. In pursuit of this commitment, a number of sites throughout the borough have been identified as providing capacity for additional new homes. Once identified, the development of those sites is consulted upon with the local community, a planning application is made and if appropriate planning consent is granted for the proposed new homes. Thereafter, if there are any third party rights that present a risk to the development Cabinet has been asked on a number of occasions to appropriate the site to mitigate such risk. This report is another to enable the de-risking of a development that will provide new additional housing for social rent.
7. The consented scheme referred to above will provide for a four storey block of flats that will yield:

2	x	One bedroom flats
6	x	Two bedroom flats
8. All of these consented eight flats will provide housing to be let at Council rent levels.
9. The contract for the construction will shortly be procured and it is intended for construction to commence early next year.

KEY ISSUES FOR CONSIDERATION

10. The consented scheme will be provided by a single small residential block that been designed to sympathise with surrounding architecture. It will be brick faced and have a flat roof. As part of the planning process a lighting report was obtained from a specialist surveyor. This is considered in the planning report and for daylighting and sunlighting it identifies some very minor interference with the lighting enjoyed by some south facing ground and first floor windows in the adjacent Heaton Court.
11. These adverse impacts were not of a degree to cause refusal of the scheme from a planning perspective but their existence poses a risk in being able to build the scheme because affected persons may apply to the court for an injunction to stop it proceeding.
12. The determined planning application has taken into account daylighting and sunlighting issues. As part of the planning process ninety-five nearby properties were consulted and no responses were received.

Appropriations

13. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights enjoyed over the land can be overridden. The beneficiaries of such rights may however claim compensation [equal to the loss in value of their property caused by losing the right] but cannot seek an injunction to delay or terminate the development. This will give the Council the certainty that having commenced construction works a person with the benefit of an unregistered (with the Land Registry) right over land (such as a right to light) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites. As mentioned, the beneficiary of any such right is entitled to financial compensation for the loss of the right. The Council could either insure against such compensation claims but this will be costly or accept the risk of an injunction that may be fatal to development or result in perhaps significant unquantifiable costs.
14. The compensation persons affected by the loss of light may be entitled to is based on the value of their properties before the right has been infringed versus the value of the property with the infringed right. This compensation is based on the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber).
15. In this case it is recommended that the land edged red on the plan be appropriated from housing purposes to planning purposes. This will mitigate the risk of legal action designed to frustrate the development being instigated. Thereafter it is recommended the land appropriated to

housing purposes as to hold the land for planning purposes will not be consistent with the ultimate use of the land.

16. The rationale for the appropriations of the land shown at Appendix A is set out at Appendix B and Cabinet is recommended to approve the appropriations.
17. The appropriation stages is summarised below:

Land currently held for housing purposes

Appropriate from housing to planning	↓	Third party rights infringed by development cannot be enforced by injunction
Appropriate from planning to housing	↓	Construction of new housing can proceed

18. Cabinet has received similar reports to enable new housing schemes to proceed to address the shortage of affordable housing within the Borough.

Rationale for recommendations

19.
 - a. To mitigate against the construction of new social housing being frustrated or delayed by injunctions/
 - b. To de-risk the construction project so as to encourage the maximum number of bidders and achieve a lower construction cost.
 - c. To deliver a current Council Plan commitment.

Community impact statement

20. The 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. Ninety-five nearby property residents were informed of the proposed new housing as part of the planning application.
21. 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.
22. 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.
23. 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.
24. If the recommendations set out are approved, the council will be able to proceed with the construction of eight new homes but it will result in the loss of eleven carparking spaces. Based on the information available it is not considered there are any particular groups sharing a protected characteristic that will be adversely impacted by the proposals. Indeed, the new housing should be beneficial across the range of protected characteristics.

Financial implications

25. The construction of the new homes will have a significant cost and an approved budget exists for this. The budget will need to make provision for any compensation claims for diminution in value that may arise as a consequence of the construction of the new homes. The budget will be reviewed when the procurement process mentioned at paragraph 9 has been completed.
26. Where land is appropriated from the housing revenue account to the general fund there is a transfer of debt between the accounts. When land is appropriated from general fund to the housing revenue account this debt transfer is reversed. As both appropriations will take place on the same day there will be no net transfer of debt, and there are,

therefore, no financial implications arising directly from the recommendations made in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

27. The report recommends the appropriation of council-owned land for planning purposes, and thereafter, the appropriation of that land for housing purposes.
28. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 (“the 1972 Act”) to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where is no longer required for the purpose for which it is held immediately before the appropriation.
29. The land must already belong to the council. Paragraph 3 of the report confirms that the land to be appropriated is in the council’s freehold ownership.
30. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph 8 of Appendix B that the land is no longer required for housing purposes.
31. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 (“TCPA 1990”) defines such purposes as, inter alia, those for which can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.
32. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes “which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.” S226 also authorises the acquisition of land “... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.” In the case of either s226 or s227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question these are likely to “contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area.” The Council’s plan to build new homes on the land, of which, the majority are council homes for rent and the remainder are intermediate, is capable of falling within all three

categories.

33. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 TCPA.

S203 says:

“(1) A person may carry out building or maintenance work to which this subsection applies even if it involves

(a) interfering with a relevant right or interest...

(2) Subsection (1) applies to building or maintenance work where –

(a) there is planning consent for the building or maintenance work,

(b) the work is carried out on land that has at any time on or after the day on which this section comes into force

(i) become vested in or acquired by a specified authority or

(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [*i.e. for purposes for which an authority can acquire land under ss226 and 227*]

(c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and

(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”

34. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those third party rights are converted into an entitlement to compensation to be calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.

35. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with third party rights.

36. Following the appropriation of the land for planning purposes it is recommended that the land is appropriated for housing purposes, as the land is to be used for the provision of new housing. At that point the land will no longer be required for planning purposes and will be appropriated for housing purposes.

Strategic Director of Finance and Governance (H&M 20/085)

37. The Strategic Director of Finance and Governance notes the recommendation to appropriate land as described in order to facilitate regeneration and the building of new homes at Heaton Road. This land appropriation is proposed to occur in such a way that it will have a neutral financial impact. This scheme forms part of the Council's new homes direct delivery programme and any associated costs will be contained with the Housing Investment Programme.

Strategic Director of Housing and Modernisation

38. This report ensures that the proposed development at Heaton Road can progress with the avoidance of legal challenge. The rights of light issues from the scheme are not considered significant but nevertheless exist. Extensive consultation with local residents, together with a commitment to make a minimum of 50% of the new social rented homes available to local tenants in housing need leads the way in which social housing can be developed in inner cities. The scheme contributes to the Council's target to build 2,500 new homes by 2022 and its pledge to build 11,000 new homes by 2043.

BACKGROUND DOCUMENTS

Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf
Planning documentation	https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZKHLCKBIYT00

APPENDICES

Appendix	Title
Appendix A	Carpark park Heaton Road/Claude Road Peckham
Appendix B	Rationale for appropriations of the land

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Patrick McGreal, Regeneration North	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	26 November 2020	



50 m

Scale = 1250

27-Oct-2020

CARPARK HEATON ROAD/CLAUDE ROAD PECKHAM***Appendix B***

Appropriation of the land (shown edged red on the plan) at Appendix A for purposes set out in s226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985

Background to appropriation

1. Under section 122(1) of the Local Government Act 1972 the Council may appropriate land for any purpose for which it is authorised to acquire land when the land is no longer required for the purposes for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990 the Council may acquire land if it thinks the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated in the redevelopment of the subject carpark. The power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. There are clear economic social and environmental and social benefits associated with the provision of new housing at the carpark in Heaton Road identified on the plan at Appendix A namely providing people with quality accommodation that may result in better educational attainment and general well being, and employment opportunities from the construction works. Accordingly, the Council may appropriate land for the purposes of the development proposals land that it already owns if that land is no longer required for the purposes for which it is held. The land in question is no longer required for its current purposes for the reasons set out below and is not needed in the public interest for those purposes. The land can therefore be appropriated from its current use. As the appropriation will facilitate new housing development it may be appropriated for planning purposes.
3. Where land has been appropriated for planning purposes Section 203 of the Housing and Planning Act 2016 (power to override easements and other rights) applies such that the erection, construction or carrying out or maintenance of any building or work on the land (by the council or a person deriving title from the council) is authorised if it is done in accordance with planning permission, notwithstanding that it interferes with certain private rights such as restrictive covenants and easements. The effect of triggering section 203 is that private rights are effectively overridden and converted into a claim for compensation pursuant to s 204. The level of compensation for interference with rights or breach of restrictive covenant is assessed on the basis of the loss in value of the claimant's land as a consequence of the interference or breach of covenant. An important consequence of the operation of Section 203 is that a claimant cannot secure an injunction, to prevent the development from going ahead - as indicated above; their remedy is a claim for compensation.
4. Prior to developing land it is usual practice to make prudent enquiries of what rights might exist over the land, this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights

may not be apparent from inspection and historic ones may not always be recorded at the Land Registry. The application of the power to override rights contained in s203 therefore mitigates this risk.

5. The right to claim compensation for the depreciation in value caused by the loss of right is enforced against the owner of the land which in this case is the Council.

Rationale for appropriating the subject site to planning purposes

6. The subject land is under utilised in land use terms and the need for new housing at affordable rent levels greatly exceeds the existing use need. In pursuance of the adopted Council Plan and to address a need for new affordable housing, the site has been identified to be redeveloped for this purpose. Planning consent has been secured for the scheme outlined in paragraph 7 of the main report. Although it is unlikely that there will be a significant impact on the rights of light to nearby residents from the consented scheme appropriation will eliminate any risk of one or more of them may applying to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed. In any event, the risk of an application for an injunction is such that it will defer prospective builders from bidding to construct the new housing or result in a substantial risk contingency that undermines the viability of construction. In these circumstances it is appropriate to utilise the powers of section 203 to overcome this risk and enable the much needed new homes to be built.
7. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission for new housing. When land has been appropriated for section 203 purposes it will continue to benefit from its over-riding provisions even when the land is no longer held for planning purposes.
8. The land shown edged red at Appendix A is no longer required to be held for housing purposes. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission.

Rationale for appropriating the subject site to back to housing purposes

9. Once the land is appropriated for planning purposes it should be appropriated back to housing purposes as this will be its ultimate usage and the cleansing effect of s203 means that it can be developed in confidence that the works won't be at risk of an application for an injunction to frustrate the development.
10. Section 9 (1) (a) of the Housing Act 1985 provides a local housing authority may provide housing accommodation by erecting houses on land acquired. It is therefore apt that following the s203 appropriation the land is in accordance with section 122(1) of the Local Government Act 1972 appropriated for purposes within section 9 (1) (a) of the Housing Act 1985.
11. The appropriation of the land whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land will not take away their ability to claim for compensation in respect of any diminution in the value of their land as a result of their rights being overridden.

Item No. 28.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Appropriation of land: Garage compound Maltby Street/Grange Walk Bermondsey	
Ward:		London Bridge & West Bermondsey	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

At the time of writing, more than 14,000 households were recorded on Southwark’s housing register in need of rehousing, having risen sharply as a consequence of the pandemic – behind these figures are stories of families living in overcrowded homes, delaying key life decisions 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 pursuing an ambitious programme for building new council homes.

Next year, we will begin construction on twenty-four new council homes at Maltby Street, as part of our long-term commitment to build 11,000 new council homes by 2043. Unlike in previous periods of council house building where large sites lent themselves to comprehensive estate development and (relatively) simpler approaches to land assembly, today most of our development sites involve the repurposing of existing housing land with a greater risk of historic property rights emerging that may frustrate the process. We owe it to residents on our waiting list and to neighbouring residents who have contributed positively to the design and associated landscaping of these new homes to mitigate any risk to the development, even where the risk is remote. Cabinet is therefore recommended to approve the appropriation of the highlighted land from housing to planning and back to housing, an administrative process that will enable construction of the approved scheme to proceed with confidence.

RECOMMENDATIONS

That Cabinet:

1. confirms that the land shown edged red on the plan at Appendix A that is currently held for housing purposes is no longer required for those purposes and approves the appropriation of the land to planning purposes to facilitate the carrying out of 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.

2. confirms that following completion of the appropriation at paragraph 1 the land shown edged red on the plan at Appendix A will no longer be required for planning purposes and approves the appropriation of the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

BACKGROUND INFORMATION

3. The land in question comprises lock up garages and hard surfaced land and is shown edged red on the plan at Appendix A to this report. The garages date from the mid 1960s and; previously the site had contained a number of terraced houses. The Council holds the freehold interest in the land. It is situated in a predominantly residential locality yet with easy access to London Bridge and City of London. It is a locality where the Council has limited opportunity to add to its housing stock yet the need for affordable housing here like everywhere in the Borough is great.
4. On 16 October 2020 by way of a delegated decision planning approval subject to the completion of a unilateral agreement (the equivalent of a s106 agreement where the applicant is the Council) was given for the demolition of the garages and the provision of new housing on the site.
5. 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 recommended appropriations in this report are to further this commitment.
6. In pursuit of this commitment, a number of sites throughout the borough have been identified as providing capacity for additional new homes. Once identified, the development of those sites is consulted upon with the local community, a planning application is made and if appropriate planning consent is granted for the proposed new homes. Thereafter, if there are any third party rights that present a risk to the development Cabinet has been asked on a number of occasions to appropriate the site to mitigate such risk. This report is another to enable the de-risking of a development that will provide new additional housing for social rent.
7. The consented scheme referred to above will provide for:

8	x	One bedroom flats
6	x	Two bedroom flats
8	x	Three bedroom flats and maisonettes
2	x	Four bedroom maisonettes
4	x	Disabled parking spaces
		Landscaping of the grounds
8. All of these twenty-four new homes will provide housing to be let at Council rent levels.

9. The contract for the construction will shortly be procured and it is intended for construction to commence early next year.

KEY ISSUES FOR CONSIDERATION

10. The consented scheme will be provided by a five storey block that is clad in brickwork under a flat roof. It has been designed to be in sympathy with the adjacent Woodville House and listed buildings in Grange Walk. As part of the planning process, a lighting report was obtained from a specialist surveyor. This was considered in the planning process and for daylighting and sunlighting and identifies some minor interference with the lighting enjoyed by kitchens and bedrooms in Woodville House and 67-79 Maltby Street. The report concludes:

“Overall, the daylight and sunlight impact should be regarded as acceptable.”

11. The daylighting/sunlighting report whilst generally positive does recognise there will be some impact to neighbouring properties. These adverse impacts were not of a degree to cause refusal of the scheme from a planning perspective but their existence poses a risk in being able to build the scheme because affected persons may apply to the court for an injunction to stop it proceeding.
12. The determined planning application has taken into account daylighting and sunlighting issues. As part of the planning process nearby properties were consulted and no objections to the application were received.

Appropriations

13. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights enjoyed over the land can be overridden. The beneficiaries of such rights may however claim compensation [equal to the loss in value of their property caused by losing the right] but cannot seek an injunction to delay or terminate the development. This will give the Council the certainty that having commenced construction works a person with the benefit of an unregistered (with the Land Registry) right over land (such as a right to light or an undocumented right of way) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites. As mentioned, the beneficiary of any such right is entitled to financial compensation for the loss of the right. The Council could either insure against such compensation claims but this will be costly or accept the risk of an injunction that may be fatal to development or result in perhaps significant unquantifiable costs.
14. The compensation persons affected by the interference with a right may be entitled to is based on the value of their properties before the right has been infringed versus the value of the property with the infringed right.

This compensation is based on the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber).

15. In this case it is recommended that the land edged red on the plan be appropriated from housing purposes to planning purposes. This will mitigate the risk of legal action designed to frustrate the development being instigated. Thereafter it is recommended the land appropriated to housing purposes as to hold the land for planning purposes will not be consistent with the ultimate use of the land.
16. The rationale for the appropriations of the land shown at Appendix A is set out at Appendix B and Cabinet is recommended to approve the appropriations.
17. The appropriation stages is summarised below:

Land currently held for housing purposes

Appropriate from housing to planning	↓	Third party rights infringed by development cannot be enforced by injunction
Appropriate from planning to housing	↓	Construction of new housing can proceed

18. Cabinet has received similar reports to enable new housing schemes to proceed to address the shortage of affordable housing within the Borough.

Rationale for recommendations

19.
 - a. To mitigate against the construction of new social housing being frustrated or delayed by injunctions/
 - b. To de-risk the construction project so as to encourage the maximum number of bidders and achieve a lower construction cost.
 - c. To deliver a current Council Plan commitment.

Community impact statement

20. The 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.
21. 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.
22. 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.
23. 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.
24. If the recommendations set out are approved, the Council will be able to proceed with the construction of twenty-four new homes. It will also result in the demolition of fourteen garages. Based on the information available it is not considered there are any particular groups sharing a protected characteristic that will be adversely impacted by the proposals. Indeed, the new housing should be beneficial across the range of protected characteristics.

Financial Implications

25. The demolition of the existing garages and construction of the new homes will have a significant cost and an approved budget exists for this. The budget will need to make provision for any compensation claims for diminution in value that may arise as a consequence of any interference with rights caused by construction of the new homes. The budget will be reviewed when the procurement process mentioned at paragraph 9 has been completed.
26. Where land is appropriated from the housing revenue account to the general fund there is a transfer of debt between the accounts. When land is appropriated from general fund to the housing revenue account this debt transfer is reversed. As both appropriations will take place on the same day there will be no net transfer of debt, and there are, therefore, no

financial implications arising directly from the recommendations made in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

27. The report recommends the appropriation of council owned land for planning purposes, and thereafter, the appropriation of that land for housing purposes.
28. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 ("the 1972 Act") to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where it is no longer required for the purpose for which it is held immediately before the appropriation.
29. The land must already belong to the council. Paragraph 3 of the report confirms that the land to be appropriated is in the council's freehold ownership.
30. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph 8 of Appendix B that the land is no longer required for housing purposes.
31. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 ("TCPA 1990") defines such purposes as, inter alia, those for which land can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.
32. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes "which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated." S226 also authorises the acquisition of land "... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land." In the case of either s226 or s227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question these are likely to "contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area." The Council's plan to build new homes on the land, of which all will be council homes for rent is capable of falling within all three categories.

33. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 TCPA.

S203 says:

“(1) A person may carry out building or maintenance work to which this subsection applies even if it involves

(a) interfering with a relevant right or interest...

(2) Subsection (1) applies to building or maintenance work where –

(a) there is planning consent for the building or maintenance work,

(b) the work is carried out on land that has at any time on or after the day on which this section comes into force

(i) become vested in or acquired by a specified authority or

(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [*i.e. for purposes for which an authority can acquire land under ss226 and 227*]

(c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and

(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”

34. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those third party rights are converted into an entitlement to compensation to be calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.

35. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with third party rights.

36. Following the appropriation of the land for planning purposes it is recommended that the land is appropriated for housing purposes, as the

land is to be used for the provision of new housing. At that point the land will no longer be required for planning purposes and will be appropriated for housing purposes.

Strategic Director of Finance and Governance (H&M20/086)

37. The Strategic Director of Finance and Governance notes the recommendation to appropriate land as described in order to facilitate regeneration and the building of new homes at Maltby Street/Grange Walk. This land appropriation is proposed to occur in such a way that it will have a neutral financial impact. This scheme forms part of the Council's new homes direct delivery programme and any associated costs will be contained with the Housing Investment Programme.

Strategic Director of Housing and Modernisation

38. This report ensures that the proposed development of the Maltby Street/Grange Walk garage scheme can progress with the avoidance of legal challenge. The rights of light issues from the scheme are not considered significant but nevertheless exist. Extensive consultation with local residents, together with a commitment to make a minimum of 50% of the new social rented homes available to local tenants in housing need leads the way in which social housing can be developed in inner cities. The scheme contributes to the Council's target to build 2,500 new homes by 2022 and its pledge to build 11,000 new homes by 2043.

BACKGROUND DOCUMENTS

Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://modern.gov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf
Planning documentation	https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QDI0RFK BGVJ00

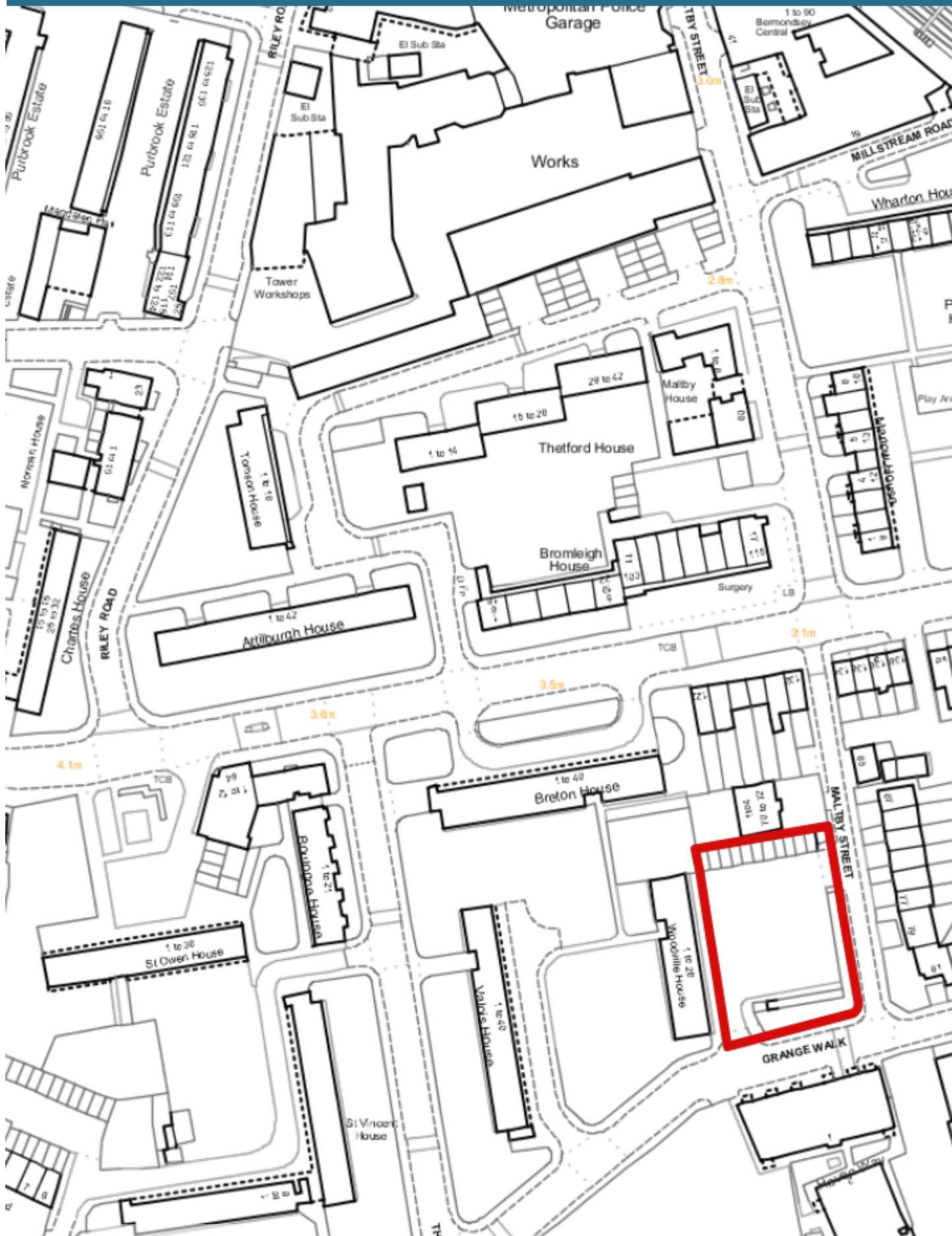
APPENDICES

Appendix	Title
Appendix A	Garage compound Maltby Street/Grange Walk Bermondsey
Appendix B	Rationale for appropriations of the land

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Patrick McGreal, Regeneration North	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	26 November 2020	

APPENDIX A: Garage Compound Maltby Street/Grange Walk Bermondsey



50 m

Scale = 1250

28-Oct-2020

GARAGE COMPOUND MALTBY STREET/GRANGE WALK BERMONDSEY***Appendix B***

Appropriation of the land (shown edged red on the plan) at Appendix A for purposes set out in s226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985

Background to appropriation

1. Under section 122(1) of the Local Government Act 1972 the Council may appropriate land for any purpose for which it is authorised to acquire land when the land is no longer required for the purposes for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990 the Council may acquire land if they think the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated in the redevelopment of the subject garages. The power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. There are clear economic social and environmental and social benefits associated with the provision of new housing at the garage compound at Maltby Street/Grange Walk identified on the plan at Appendix A namely providing people with quality accommodation that may result in better educational attainment and general well being, and employment opportunities from the construction works. Accordingly, the Council may appropriate land for the purposes of the development proposals land that it already owns if that land is no longer required for the purposes for which it is held. The land in question is no longer required for its current purposes for the reasons set out below and is not needed in the public interest for those purposes. The land can therefore be appropriated from its current use. As the appropriation will facilitate new housing development it may be appropriated for planning purposes.
3. Where land has been appropriated for planning purposes Section 203 of the Housing and Planning Act 2016 (power to override easements and other rights) applies such that the erection, construction or carrying out or maintenance of any building or work on the land (by the council or a person deriving title from the council) is authorised if it is done in accordance with planning permission, notwithstanding that it interferes with certain private rights such as restrictive covenants and easements. The effect of triggering section 203 is that private rights are effectively overridden and converted into a claim for compensation pursuant to section 204. The level of compensation for interference with rights or breach of restrictive covenant is assessed on the basis of the loss in value of the claimant's land as a consequence of the interference or breach of covenant. An important consequence of the operation of Section 203 is that a claimant cannot secure an injunction, to prevent the development from going ahead - as indicated above; their remedy is a claim for compensation.
4. Prior to developing land it is usual practice to make prudent enquiries of what rights might exist over the land, this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights

may not be apparent from inspection and historic ones may not always be recorded at the Land Registry. The application of the power to override rights contained in s203 therefore mitigates this risk.

5. The right to claim compensation for the depreciation in value caused by the loss of right is enforced against the owner of the land which in this case is the Council.

Rationale for appropriating the subject site to planning purposes

6. The subject land is under utilised in land use terms and the need for new housing at affordable rent levels greatly exceeds the existing use need. In pursuance of the adopted Council Plan and to address a need for new affordable housing, the site has been identified to be redeveloped for this purpose. Planning consent has been secured for the scheme outlined in paragraph 7 of the main report. Although it is unlikely that there will be a significant impact on the rights of light to nearby residents from the consented scheme appropriation will eliminate any risk of one or more of them may applying to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed. In any event, the risk of an application for an injunction is such that it will defer prospective builders from bidding to construct the new housing or result in a substantial risk contingency that undermines the viability of construction. In these circumstances it is appropriate to utilise the powers of section 203 to overcome this risk and enable the much needed new homes to be built.
7. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission for new housing. When land has been appropriated for section 203 purposes it will continue to benefit from its over-riding provisions even when the land is no longer held for planning purposes.
8. The land shown edged red at Appendix A is no longer required to be held for housing purposes. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission.

Rationale for appropriating the subject site to back to housing purposes

9. Once the land is appropriated for planning purposes it should be appropriated back to housing purposes as this will be its ultimate usage and the cleansing effect of s203 means that it can be developed in confidence that the works won't be at risk of an application for an injunction to frustrate the development.
10. Section 9 (1) (a) of the Housing Act 1985 provides a local housing authority may provide housing accommodation by erecting houses on land acquired. It is therefore apt that following the s203 appropriation the land is in accordance with section 122(1) of the Local Government Act 1972 appropriated for purposes within section 9 (1) (a) of the Housing Act 1985.
11. The appropriation of the land whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land will not take away their ability to claim for compensation in respect of any diminution in the value of their land as a result of their rights being overridden.

Item No. 29.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Appropriation of land: Tissington Court Rotherhithe New Road, Rotherhithe	
Ward:		Rotherhithe	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

At the time of writing, more than 14,000 households were recorded on Southwark’s housing register in need of rehousing, having risen sharply as a consequence of the pandemic – behind these figures are stories of families living in overcrowded homes, delaying key life decisions 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 pursuing an ambitious programme for building new council homes.

Next year, we will begin construction on twenty-five new council homes at Tissington Court, as part of our long-term commitment to build 11,000 new council homes by 2043. Unlike in previous periods of council house building where large sites lent themselves to comprehensive estate development and (relatively) simpler approaches to land assembly, today most of our development sites involve the repurposing of existing housing land with a greater risk of historic property rights emerging that may frustrate the process. We owe it to residents on our waiting list and to neighbouring residents who have contributed positively to the design and associated landscaping of these new homes to mitigate any risk to the development, even where the risk is remote. Cabinet is therefore recommended to approve the appropriation of the highlighted land from housing to planning and back to housing, an administrative process that will enable construction of the approved scheme to proceed with confidence.

RECOMMENDATIONS

That Cabinet:

1. confirms that the land shown edged red on the plan at Appendix A that is currently held for housing purposes is no longer required for those purposes and approves the appropriation of the land to planning purposes to facilitate the carrying out of 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.

2. confirms that following completion of the appropriation at paragraph 1 the land shown edged red on the plan at Appendix A will no longer be required for planning purposes and approves the appropriation of the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

BACKGROUND INFORMATION

3. The land in question comprises a parking podium with garages at ground floor level with a multi use games area above and is shown edged red on the plan at Appendix A to this report. The parking podium dates from the mid 1960s when Tissington Court was built and is currently deteriorating structurally. The Council holds the freehold interest in the land.
4. On 28 April 2020 by way of a delegated decision planning approval subject to the completion of a unilateral agreement (the equivalent of a s106 agreement where the applicant is the Council) was given for the partial demolition of the podium and the provision of new housing on the site. That undertaking has now been completed.
5. 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 recommended appropriations in this report are to further this commitment.
6. In pursuit of this commitment, a number of sites throughout the borough have been identified as providing capacity for additional new homes. Once identified, the development of those sites is consulted upon with the local community, a planning application is made and if appropriate planning consent is granted for the proposed new homes. Thereafter, if there are any third party rights that present a risk to the development Cabinet has been asked on a number of occasions to appropriate the site to mitigate such risk. This report is another to enable the de-risking of a development that will provide new additional housing for social rent.
7. The consented scheme referred to above will provide for:

14	x	One bedroom flats
2	x	Two bedroom flats
9	x	Three bedroom flats
		Partial demolition of podium and refurbishment of retained part
		Relocation of multi use game area (within site)
		Landscaping of the grounds
8. All of these twenty-five new homes will provide housing to be let at Council rent levels.

9. The contract for the construction will shortly be procured and it is intended for construction to commence early next year.

KEY ISSUES FOR CONSIDERATION

10. The consented scheme will be provided by a five storey block that is clad in brickwork under a flat roof. It has been designed to in sympathy with the existing Tissington Court building. As part of the planning process, a lighting report was obtained from a specialist surveyor. This was considered in the planning process and for daylighting and sunlighting and identifies lighting interference to some windows in Tissington Court and to Rotherhithe Primary School. To some extent this is inevitable because the podium on the site is low rise and will be replaced by a five storey block. The lighting interference is also amplified from overshadowing caused by balconies to be provided to the new dwellings. The report concludes:

“Overall, the assessment has highlighted several non-compliant impacts which do not achieve the default BRE guideline criteria and represent some planning risk. However, we consider that the retained daylight levels, once the effect of balconies has been discounted, should be regarded as acceptable in an urban location.”

11. The daylighting/sunlighting report recognises there will be some impacts to neighbouring properties. These adverse impacts were not of a degree to cause refusal of the scheme from a planning perspective but their existence poses a risk in being able to build the scheme because affected persons may apply to the court for an injunction to stop it proceeding.
12. The determined planning application has taken into account daylighting and sunlighting issues. As part of the planning process nearby properties were consulted and no objections to the application were received.

Appropriations

13. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights enjoyed over the land can be overridden. The beneficiaries of such rights may however claim compensation [equal to the loss in value of their property caused by interference to the right] but cannot seek an injunction to delay or terminate the development. This will give the Council the certainty that having commenced construction works a person with the benefit of an unregistered (with the Land Registry) right over land (such as a right to light) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites. As mentioned, the beneficiary of any such right is entitled to financial compensation for the interference to the right. The Council could either insure against such compensation claims but this will be costly or accept

the risk of an injunction that may be fatal to development or result in perhaps significant unquantifiable costs.

14. The compensation persons affected by the loss of light may be entitled to is based on the value of their properties before the right has been infringed versus the value of the property with the infringed right. This compensation is based on the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber).
15. In this case it is recommended that the land edged red on the plan be appropriated from housing purposes to planning purposes. This will mitigate the risk of legal action designed to frustrate the development being instigated. Thereafter it is recommended the land appropriated to housing purposes as to hold the land for planning purposes will not be consistent with the ultimate use of the land.
16. The rationale for the appropriations of the land shown at Appendix A is set out at Appendix B and Cabinet is recommended to approve the appropriations.
17. The appropriation stages is summarised below:

Land currently held for housing purposes

Appropriate from housing to planning	↓	Third party rights infringed by development cannot be enforced by injunction
Appropriate from planning to housing	↓	Construction of new housing can proceed

18. Cabinet has received similar reports to enable new housing schemes to proceed to address the shortage of affordable housing within the Borough.

Rationale for recommendations

19.
 - a. To mitigate against the construction of new social housing being frustrated or delayed by injunctions/
 - b. To de-risk the construction project so as to encourage the maximum number of bidders and achieve a lower construction cost.
 - c. To deliver a current Council Plan commitment.

Community impact statement

20. The 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.
21. 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.
22. 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.
23. 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.
24. If the recommendations set out are approved, the Council will be able to proceed with the construction of twenty-five new homes. It will also result in the partial demolition of a parking podium. Based on the information available it is not considered there are any particular groups sharing a protected characteristic that will be adversely impacted by the proposals. Indeed, the new housing and new multi use games area should be beneficial across the range of protected characteristics.

Financial Implications

25. The partial demolition of the parking podium and construction of the new homes will have a significant cost and an approved budget exists for this. The budget will need to make provision for any compensation claims for

diminution in value that may arise as a consequence of the construction of the new homes. The budget will be reviewed when the procurement process mentioned at paragraph 9 has been completed.

26. Where land is appropriated from the housing revenue account to the general fund there is a transfer of debt between the accounts. When land is appropriated from general fund to the housing revenue account this debt transfer is reversed. As both appropriations will take place on the same day there will be no net transfer of debt, and there are, therefore, no financial implications arising directly from the recommendations made in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

27. The report recommends the appropriation of council owned land for planning purposes, and thereafter, the appropriation of that land for housing purposes.
28. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 ("the 1972 Act") to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where is no longer required for the purpose for which it is held immediately before the appropriation.
29. The land must already belong to the council. Paragraph 3 of the report confirms that the land to be appropriated is in the council's freehold ownership.
30. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph 8 of Appendix B that the land is no longer required for housing purposes.
31. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 ("TCPA 1990") defines such purposes as, inter alia, those for which can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.
32. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes "which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated." S226 also authorises the acquisition of land "... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land." In the case of

either s226 or s227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question these are likely to “contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area.” The Council’s plan to build new homes on the land all of which are council homes for rent, is capable of falling within all three categories.

33. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 TCPA.

S203 says:

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(a) interfering with a relevant right or interest...

(2) Subsection (1) applies to building or maintenance work where –

(a) there is planning consent for the building or maintenance work,

(b) the work is carried out on land that has at any time on or after the day on which this section comes into force

(i) become vested in or acquired by a specified authority or

(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [*i.e. for purposes for which an authority can acquire land under ss226 and 227*]

(c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and

(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”

34. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those third party rights are converted into an entitlement to compensation to be

calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.

35. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with third party rights.
36. Following the appropriation of the land for planning purposes it is recommended that the land is appropriated for housing purposes, as the land is to be used for the provision of new housing. At that point the land will no longer be required for planning purposes and will be appropriated for housing purposes.

Strategic Director of Finance and Governance (H&M20/089)

37. The Strategic Director of Finance and Governance notes the recommendation to appropriate land as described in order to facilitate regeneration and the building of new homes at Tissington Court. This land appropriation is proposed to occur in such a way that it will have a neutral financial impact. This scheme forms part of the Council's new homes direct delivery programme and any associated costs will be contained with the Housing Investment Programme.

Strategic Director of Housing and Modernisation

38. This report ensures that the proposed development at Tissington Court can progress with the avoidance of legal challenge. The rights of light issues from the scheme are not considered significant but nevertheless exist. Extensive consultation with local residents, together with a commitment to make a minimum of 50% of the new social rented homes available to local tenants in housing need leads the way in which social housing can be developed in inner cities. The scheme contributes to the Council's target to build 2,500 new homes by 2022 and its pledge to build 11,000 new homes by 2043.

BACKGROUND DOCUMENTS

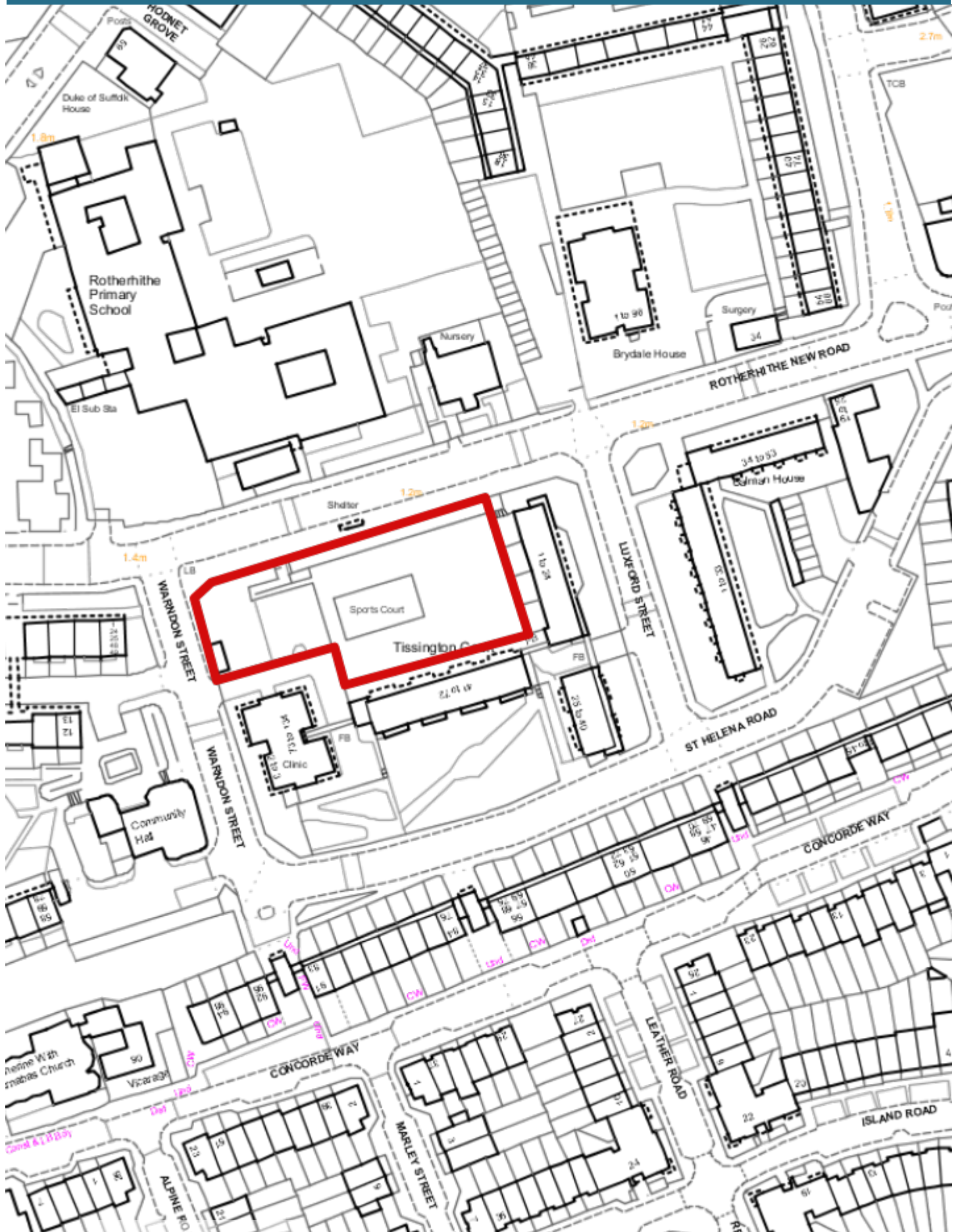
Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf
Planning documentation	https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q0JR4NKBJJD00

APPENDICES

Appendix	Title
Appendix A	Tissington Court Rotherhithe New Road, Rotherhithe
Appendix B	Rationale for appropriations of the land

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Eleanor Kelly; Chief Executive	
Report Author	Patrick McGreal, Regeneration North	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	26 November 2020	



TISSINGTON COURT ROTHERHITHE NEW ROAD, ROTHERHITHE***Appendix B***

Appropriation of the land (shown edged red on the plan) at Appendix A for purposes set out in s226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985

Background to appropriation

1. Under section 122(1) of the Local Government Act 1972 the Council may appropriate land for any purpose for which it is authorised to acquire land when the land is no longer required for the purposes for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990 the Council may acquire land if they think the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated in the redevelopment of the subject garages. The power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. There are clear economic social and environmental and social benefits associated with the provision of new housing at the garage podium at Tissington Court identified on the plan at Appendix A namely providing people with quality accommodation that may result in better educational attainment and general well being, and employment opportunities from the construction works. Accordingly, the Council may appropriate land for the purposes of the development proposals land that it already owns if that land is no longer required for the purposes for which it is held. The land in question is no longer required for its current purposes for the reasons set out below and is not needed in the public interest for those purposes. The land can therefore be appropriated from its current use. As the appropriation will facilitate new housing development it may be appropriated for planning purposes.
3. Where land has been appropriated for planning purposes Section 203 of the Housing and Planning Act 2016 (power to override easements and other rights) applies such that the erection, construction or carrying out or maintenance of any building or work on the land (by the council or a person deriving title from the council) is authorised if it is done in accordance with planning permission, notwithstanding that it interferes with certain private rights such as restrictive covenants and easements. The effect of triggering section 203 is that private rights are effectively overridden and converted into a claim for compensation pursuant to section 204. The level of compensation for interference with rights or breach of restrictive covenant is assessed on the basis of the loss in value of the claimant's land as a consequence of the interference or breach of covenant. An important consequence of the operation of Section 203 is that a claimant cannot secure an injunction, to prevent the development from going ahead - as indicated above; their remedy is a claim for compensation.
4. Prior to developing land it is usual practice to make prudent enquiries of what rights might exist over the land, this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights

may not be apparent from inspection and historic ones may not always be recorded at the Land Registry. The application of the power to override rights contained in s203 therefore mitigates this risk.

5. The right to claim compensation for the depreciation in value caused by the loss of right is enforced against the owner of the land which in this case is the Council.

Rationale for appropriating the subject site to planning purposes

6. The subject land is under utilised in land use terms and the need for new housing at affordable rent levels greatly exceeds the existing use need. In pursuance of the adopted Council Plan and to address a need for new affordable housing, the site has been identified to be redeveloped for this purpose. Planning consent has been secured for the scheme outlined in paragraph 7 of the main report. Although it is unlikely that there will be a significant impact on the rights of light to nearby residents from the consented scheme appropriation will eliminate any risk of one or more of them may applying to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed. In any event, the risk of an application for an injunction is such that it will defer prospective builders from bidding to construct the new housing or result in a substantial risk contingency that undermines the viability of construction. In these circumstances it is appropriate to utilise the powers of section 203 to overcome this risk and enable the much needed new homes to be built.
7. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission for new housing. When land has been appropriated for section 203 purposes it will continue to benefit from its over-riding provisions even when the land is no longer held for planning purposes.
8. The land shown edged red at Appendix A is no longer required to be held for housing purposes. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission.

Rationale for appropriating the subject site to back to housing purposes

9. Once the land is appropriated for planning purposes it should be appropriated back to housing purposes as this will be its ultimate usage and the cleansing effect of s203 means that it can be developed in confidence that the works won't be at risk of an application for an injunction to frustrate the development.
10. Section 9 (1) (a) of the Housing Act 1985 provides a local housing authority may provide housing accommodation by erecting houses on land acquired. It is therefore apt that following the s203 appropriation the land is in accordance with section 122(1) of the Local Government Act 1972 appropriated for purposes within section 9 (1) (a) of the Housing Act 1985.
11. The appropriation of the land whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land will not take away their ability to claim for compensation in respect of any diminution in the value of their land as a result of their rights being overridden.

Item No. 30.	Classification: Open	Date: 8 December 2020	Meeting Name: Cabinet
Report title:		Appropriation of land: Garages at Fenham and Nutcroft Roads Peckham	
Ward:		Peckham	
Cabinet Member:		Councillor Leo Pollak, Housing	

FOREWORD – COUNCILLOR LEO POLLAK, CABINET MEMBER FOR HOUSING

At the time of writing, more than 14,000 households were recorded on Southwark’s housing register in need of rehousing, having risen sharply as a consequence of the pandemic – behind these figures are stories of families living in overcrowded homes, delaying key life decisions 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 pursuing an ambitious programme for building new council homes.

Next year, we will begin construction on five new council homes at Fenham and Nutcroft Roads, as part of our long-term commitment to build 11,000 new council homes by 2043. Unlike in previous periods of council house building where large sites lent themselves to comprehensive estate development and (relatively) simpler approaches to land assembly, today most of our development sites involve the repurposing of existing housing land with a greater risk of historic property rights emerging that may frustrate the process. We owe it to residents on our waiting list and to neighbouring residents who have contributed positively to the design and associated landscaping of these new homes to mitigate any risk to the development, even where the risk is remote. Cabinet is therefore recommended to approve the appropriation of the highlighted land from housing to planning and back to housing, an administrative process that will enable construction of the approved scheme to proceed with confidence.

RECOMMENDATIONS

That Cabinet:

1. confirms that the land shown edged red on the plan at Appendix A that is currently held for housing purposes is no longer required for those purposes and approves the appropriation of the land to planning purposes to facilitate the carrying out of 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.

2. confirms that following completion of the appropriation at paragraph 1 the land shown edged red on the plan at Appendix A will no longer be required for planning purposes and approves the appropriation of the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

BACKGROUND INFORMATION

3. The land in question is shown edged red on the plan at Appendix A. It is owned freehold by the Council. It comprises a dozen lock up garages the majority of which are accessed from Fenham Road but two are reached from Nutcroft Road. This is a mainly residential area. Edwardian homes predominate with occasional post war Council infills. The locality is very well located for public transport being close to many bus routes and in easy walking distance of railways stations. As a result it has an 'excellent' Public Transport Access Level rating.
4. On 15 October 2020 by way of delegation planning consent was given for the demolition of the garages and the erection of new housing on the site.
5. 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 recommended appropriations in this report are to further this commitment.
6. In pursuit of this commitment, a number of sites throughout the borough have been identified as providing capacity for additional new homes. Once identified, the development of those sites is consulted upon with the local community, a planning application is made and if appropriate planning consent is granted for the proposed new homes. Thereafter, if there are any third party rights that present a risk to the development Cabinet has been asked on a number of occasions to appropriate the site to mitigate such risk. This report is another to enable the de-risking of a development that will provide new additional housing for social rent.
7. The consented scheme referred to above will provide for:

2	x	One bedroom flats
3	x	Two bedroom flats
		Landscaped grounds
		Cycle and refuse storage
8. All of these five new homes will provide housing to be let at Council rent levels.
9. The contract for the construction will shortly be procured and it is intended for construction to commence early next year.

KEY ISSUES FOR CONSIDERATION

10. The consented scheme will be provided by an 'L' shaped two and three storey block that is clad in brickwork under a flat roof. It has been designed to be in sympathy with the surrounding housing in Fenham and Nutcroft Roads. As the scheme is very unlikely to impede upon the daylighting or natural lighting enjoyed by nearby residents a specialist report on these matters has not been commissioned. In its role as planning authority having regard to the height of proposed new housing and its juxtaposition the planning application was able to be determined without such a report. By avoiding commissioning such a report expenditure has been saved for investment in delivering the Council's new homes pledge.
11. Whilst daylighting/sunlighting is not considered a risk on this occasion there is the remote risk that persons in the vicinity may claim interference with another right over the land such as a right to cross over it. Whilst the risk is indeed remote it nevertheless exists and to mitigate this it is prudent to appropriate the land.
12. The determined planning application has taken into account relevant planning issues. As part of the planning process nearby properties were consulted and one objections to the application on the type of material used to provide an archway in the external design was received.

Appropriations

13. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights enjoyed over the land can be overridden. The beneficiaries of such rights may however claim compensation [equal to the loss in value of their property caused by losing the right] but cannot seek an injunction to delay or terminate the development. This will give the Council the certainty that having commenced construction works a person with the benefit of an unregistered (with the Land Registry) right over land (such as a right to light) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites. As mentioned, the beneficiary of any such right is entitled to financial compensation for the loss of the right. The Council could either insure against such compensation claims but this will be costly or accept the risk of an injunction that may be fatal to development or result in perhaps significant unquantifiable costs.
14. The compensation persons affected by the loss of light may be entitled to is based on the value of their properties before the right has been infringed versus the value of the property with the infringed right. This compensation is based on the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber).

15. In this case it is recommended that the land edged red on the plan be appropriated from housing purposes to planning purposes. This will mitigate the risk of legal action designed to frustrate the development being instigated. Thereafter it is recommended the land appropriated to housing purposes as to hold the land for planning purposes will not be consistent with the ultimate use of the land.
16. The rationale for the appropriations of the land shown at Appendix A is set out at Appendix B and Cabinet is recommended to approve the appropriations.
17. The appropriation stages is summarised below:

Land currently held for housing purposes

Appropriate from housing to planning	↓	Third party rights infringed by development cannot be enforced by injunction
Appropriate from planning to housing	↓	Construction of new housing can proceed

18. Cabinet has received similar reports to enable new housing schemes to proceed to address the shortage of affordable housing within the Borough.

Rationale for recommendations

19.
 - a. To mitigate against the construction of new social housing being frustrated or delayed by injunctions/
 - b. To de-risk the construction project so as to encourage the maximum number of bidders and achieve a lower construction cost.
 - c. To deliver a current Council Plan commitment.

Community impact statement

20. The 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.
21. 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.
22. 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.
23. 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.
24. If the recommendations set out are approved, the Council will be able to proceed with the construction of five new homes. It will also result in the demolition of lock up garages. Based on the information available, it is not considered there are any particular groups sharing a protected characteristic that will be adversely impacted by the proposals. Indeed, the new housing should be beneficial across the range of protected characteristics.

Financial Implications

25. The demolition of the existing garages and construction of the new homes will have a significant cost and an approved budget exists for this. The budget will need to make provision for any compensation claims for diminution in value that may arise as a consequence of the construction of the new homes. The budget will be reviewed when the procurement process mentioned at paragraph 9 has been completed.
26. Where land is appropriated from the housing revenue account to the general fund there is a transfer of debt between the accounts. When land is appropriated from general fund to the housing revenue account this debt transfer is reversed. As both appropriations will take place on the same day there will be no net transfer of debt, and there are, therefore, no financial implications arising directly from the recommendations made in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

27. The report recommends the appropriation of council owned land for planning purposes, and thereafter, the appropriation of that land for housing purposes.
28. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 (“the 1972 Act”) to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where is no longer required for the purpose for which it is held immediately before the appropriation.
29. The land must already belong to the council. Paragraph 3 of the report confirms that the land to be appropriated is in the council’s freehold ownership.
30. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph 8 of Appendix B that the land is no longer required for housing purposes.
31. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 (“TCPA 1990”) defines such purposes as, inter alia, those for which can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.
32. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes “which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.” S226 also authorises the acquisition of land “... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.” In the case of either s226 or s227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question these are likely to “contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area.” The Council’s plan to build new homes on the land, of which, the majority are council homes for rent and the remainder are intermediate, is capable of falling within all three categories.

33. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 TCPA.

S203 says:

“(1) A person may carry out building or maintenance work to which this subsection applies even if it involves

(a) interfering with a relevant right or interest...

(2) Subsection (1) applies to building or maintenance work where –

(a) there is planning consent for the building or maintenance work,

(b) the work is carried out on land that has at any time on or after the day on which this section comes into force

(i) become vested in or acquired by a specified authority or

(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [*i.e. for purposes for which an authority can acquire land under ss226 and 227*]

(c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and

(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”

34. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those third party rights are converted into an entitlement to compensation to be calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.

35. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with third party rights.

36. Following the appropriation of the land for planning purposes it is recommended that the land is appropriated for housing purposes, as the land is to be used for the provision of new housing. At that point the land

will no longer be required for planning purposes and will be appropriated for housing purposes.

Strategic Director of Finance and Governance (H&M20/095)

37. The Strategic Director of Finance and Governance notes the recommendation to appropriate land as described in order to facilitate regeneration and the building of new homes at Fenham Road. This land appropriation is proposed to occur in such a way that it will have a neutral financial impact. This scheme forms part of the Council's new homes direct delivery programme and any associated costs will be contained with the Housing Investment Programme.

Strategic Director of Housing and Modernisation

38. This report ensures that the proposed development of the Fenham and Nutcroft Roads garage scheme can progress with the avoidance of legal challenge. The rights of light issues from the scheme are not considered significant but nevertheless exist. Extensive consultation with local residents, together with a commitment to make a minimum of 50% of the new social rented homes available to local tenants in housing need leads the way in which social housing can be developed in inner cities. The scheme contributes to the Council's target to build 2,500 new homes by 2022 and its pledge to build 11,000 new homes by 2043.

BACKGROUND DOCUMENTS

Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf
Planning documentation	https://planning.southwark.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QCC4U6KBGG400
Report to Planning Sub-Committee B 14 September 2020	http://moderngov.southwark.gov.uk/documents/s90399/Item%207.2%20Report.rtf.pdf

APPENDICES

Appendix	Title
Appendix A	Garages at Fendall and Nutcroft Roads Peckham
Appendix B	Rationale for appropriations of the land

AUDIT TRAIL

Cabinet Member	Councillor Leo Pollak, Housing	
Lead Officer	Eleanor Kelly; Chief Executive	
Report Author	Patrick McGreal, Regeneration North	
Version	Final	
Dated	26 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		26 November 2020

APPENDIX A: Garages at Fenham and Nutcroft Roads Peckham



50 m

Scale = 1250 Legal Services

7-Aug-2018

GARAGES AT FENHAM AND NUTCROFT ROADS PECKHAM***Appendix B***

Appropriation of the land (shown edged red on the plan) at Appendix A for purposes set out in s226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985

Background to appropriation

1. Under section 122(1) of the Local Government Act 1972 the Council may appropriate land for any purpose for which it is authorised to acquire land when the land is no longer required for the purposes for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990 the Council may acquire land if they think the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated in the redevelopment of the subject garages. The power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. There are clear economic social and environmental and social benefits associated with the provision of new housing at the Fenham and Nutcroft Roads garages site namely providing people with quality accommodation that may result in better educational attainment and general well being, and employment opportunities from the construction works. Accordingly the Council may appropriate land for the purposes of the development proposals land that it already owns if that land is no longer required for the purposes for which it is held. The land shown on the plan at Appendix A is no longer required for its current purposes for the reasons set out below and is not needed in the public interest for those purposes. The land can therefore be appropriated from its current use. As the appropriation will facilitate the Fenham Road new housing development proposals it may be appropriated for planning purposes.
3. Where land has been appropriated for planning purposes Section 203 of the Housing and Planning Act 2016 (power to override easements and other rights) applies such that the erection, construction or carrying out or maintenance of any building or work on the land (by the council or a person deriving title from the council) is authorised if it is done in accordance with planning permission, notwithstanding that it interferes with certain private rights such as restrictive covenants and easements. The effect of triggering section 203 is that private rights are effectively overridden and converted into a claim for compensation pursuant to s 204. The level of compensation for interference with rights or breach of restrictive covenant is assessed on the basis of the loss in value of the claimant's land as a consequence of the interference or breach of covenant. An important consequence of the operation of Section 203 is that a claimant cannot secure an injunction, to prevent the development from going ahead - as indicated above, their remedy is a claim for compensation.
4. Prior to developing land it is usual practice to make prudent enquiries of what rights might exist over the land, this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights

may not be apparent from inspection and historic ones may not always be recorded at the Land Registry. The application of the power to override rights contained in s203 therefore mitigates this risk.

5. The right to claim compensation for the depreciation in value caused by the loss of right is enforced against the owner of the land which in this case is the Council.

Rationale for appropriating the subject site to planning purposes

6. The existing garages site is under utilised in land use terms and the need for new housing at affordable rent levels greatly exceeds the existing use need. In pursuance of the adopted Council Plan and to address a need for new affordable housing, the site has been identified to be redeveloped for this purpose. Planning consent has been secured for the scheme outlined in paragraph 6 of the main report. Although it is extremely unlikely that there will be impact on the rights of light to nearby residents from the consented scheme appropriation will eliminate any risk of one or more of them applying to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed. In any event, the risk of an application for an injunction is such that it will deter prospective builders from bidding to construct the new housing or result in a substantial risk contingency that undermines the viability of construction. In these circumstances it is appropriate to utilise the powers of section 203 to overcome this risk and enable the much needed new homes to be built.
7. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission for new housing. When land has been appropriated for section 203 purposes it will continue to benefit from its over-riding provisions even when the land is no longer held for planning purposes.
8. The land shown edged red at Appendix A is no longer required to be held for housing purposes. As indicated above, the land is now required to be held for planning purposes to facilitate the redevelopment proposals associated with the planning permission.

Rationale for appropriating the subject site back to housing purposes

9. Once the land is appropriated for planning purposes it should be appropriated back to housing purposes as this will be its ultimate usage and the cleansing effect of s203 means that it can be developed in confidence that the works won't be at risk of an application for an injunction to frustrate the development.
10. Section 9 (1) (a) of the Housing Act 1985 provides a local housing authority may provide housing accommodation by erecting houses on land acquired. It is therefore apt that following the s203 appropriation the land is in accordance with section 122(1) of the Local Government Act 1972 appropriated for purposes within section 9 (1) (a) of the Housing Act 1985.
11. The appropriation of the land whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land will not take away their ability to claim for compensation in respect of any diminution in the value of their land as a result of their rights being overridden.

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