

Cabinet

Tuesday 18 January 2022

11.00 am

Ground floor meeting rooms, 160 Tooley Street, London SE1 2QH

Membership

Councillor Kieron Williams (Chair)
Councillor Jasmine Ali

Councillor Evelyn Akoto
Councillor Stephanie Cryan
Councillor Helen Dennis

Councillor Rebecca Lury
Councillor Darren Merrill
Councillor Alice Macdonald
Councillor Jason Ochere
Councillor Catherine Rose

Portfolio

Leader of the Council
Deputy Leader and Cabinet Member for
Children, Young People and Education
Health and Wellbeing
Council Homes and Homelessness
Climate Emergency and Sustainable
Development
Finance, Performance and Democracy
A Safer, Cleaner Borough
Equalities, Neighbourhoods and Leisure
Jobs, Business and Town Centres
Transport, Parks and Sport

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Email: paula.thornton@southwark.gov.uk; constitutional.team@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Councillor Kieron Williams

Leader of the Council
Date: 10 January 2022



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Cabinet

Tuesday 18 January 2022
11.00 am

Ground floor meeting rooms, 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

PHYSICAL MEETING PROTOCOLS

You may access guidance on attendance to physical meetings via this web link:

[Protocol for physical meetings 2021.pdf \(southwark.gov.uk\)](#)

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 - 3

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

Item No.	Title	Page No.
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)	
	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 public questions is midnight Wednesday 12 January 2022.	
6.	MINUTES	4 - 44
	To approve as a correct record the minutes of the open section of the meeting held on 7 December 2021.	
7.	DEPUTATION REQUESTS	
	To consider any deputation requests. The deadline for the receipt of a deputation request is midnight Wednesday 12 January 2022.	
8.	HOUSING REVENUE ACCOUNT - FINAL RENT-SETTING AND BUDGET REPORT 2022-23	45 - 67
	To agree recommendations associated with the housing revenue account rent setting and budget for 2022 - 2023.	
9.	POLICY AND RESOURCES STRATEGY 2022-23 TO 2024-25 UPDATE	To follow
	To note issues associated with the policy and resources strategy and agree recommendations.	
10.	FUTURE OF AYLESBURY ESTATE	To follow
	To approve the objective of increasing the amount of new council housing provision and the rejuvenation of the programme for rebuilding the Aylesbury Estate through a resident led approach and related recommendations.	

Item No.	Title	Page No.
11.	ADMISSION ARRANGEMENTS FOR COMMUNITY PRIMARY SCHOOLS – SEPTEMBER 2023	68 - 77
	To agree the Southwark Community Primary Schools Admission Arrangements (“the Arrangements”) for September 2023 and the published admissions numbers.	
12.	SOUTHWARK COORDINATED ADMISSION SCHEMES FOR PRIMARY, JUNIOR AND SECONDARY ADMISSIONS 2023	78 - 86
	To agree the 2023-24 coordinated admission schemes for Primary (Reception), Junior (Year 3), Secondary (Year 7) and 14-19 UTC transfer (Year 10) admissions.	
13.	GATEWAY 2 - CONTRACT AWARD COMMUNITY REABLEMENT SERVICE	87 - 103
	To approve the award of a contract for community reablement provision.	
14.	HOME PURCHASE GRANT (CASH INCENTIVE) FUNDING	104 - 109
	To approve an amendment to the policy for funding the home purchase grant scheme and a variation to the housing investment programme to make available a sum for the scheme in 2022-23 to allow the backlog of applications to be cleared.	
15.	TECHNOLOGY AND DIGITAL SERVICE - DIGITAL INCLUSION REPORT 2022-2025	110 - 116
	To agree the refreshed vision, outcomes and deliverables contained in the Technology and Digital Strategy.	
16.	BANKSIDE YARDS - APPROPRIATION FOR PLANNING PURPOSES	117 - 132
	To agree the council entering into an agreement with Ludgate House Limited (LHL) and Sampson House Limited to take action to engage certain statutory powers in order to facilitate the delivery of the Bankside Yards redevelopment scheme referred to as “the Scheme”.	

Item No.	Title	Page No.
17.	BARNWELL HOUSE, ST GILES ROAD, CAMBERWELL, LONDON SE5 7RP– DISPOSAL	133 - 140
	To approve the terms of disposal of the council's freehold interest in Barnwell House to Peabody.	
18.	BROMYARD HOUSE, LEDBURY ESTATE COMPULSORY PURCHASE ORDER	141 - 164
	To resolve to make a Compulsory Purchase Order under Section 226 (1)(a) of the Town & Country Planning Act 1990 (“the 1990 Act”) for all land and rights within the Phase 1 area of land identified for the purposes of facilitating the redevelopment.	
19.	REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - SOUTHWARK'S CLIMATE STRATEGY AND ACTION PLAN	165 - 167
	To note the recommendations of the overview and scrutiny committee arising from representations from Extinction Rebellion Southwark in respect of the council's climate action plan and request that the cabinet member for climate emergency and sustainable development reports back to cabinet on the recommendations within eight weeks.	
	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	
20.	MINUTES	
	To approve as a correct record the closed minutes of the meeting held on 7 December 2021.	

Item No.	Title	Page No.
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21.	GATEWAY 2 - CONTRACT AWARD COMMUNITY REABLEMENT SERVICE	
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22.	BARNWELL HOUSE, ST GILES ROAD, CAMBERWELL, LONDON SE5 7RP- DISPOSAL	
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23.	FUTURE OF AYLESBURY ESTATE	
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DISCUSSION OF ANY OTHER CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT

Date: 10 January 2022



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

Cabinet 18 January 2022

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 18 January 2022 at 11.00am online/virtual meeting will be held partly in closed session for consideration of the following items listed on the agenda:

- Item 21:** Gateway 2 - Contract Award Community Reablement Service
Item 23: Future of Aylesbury Estate.

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: 10 January 2022

**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: 18 January 2022

LEAD OFFICER DETAILS

Name and contact details: paul.davies@southwark.gov.uk

DETAILS OF THE REPORT

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

Barnwell House, St Giles Road, Camberwell, London SE5 7RP – Disposal of Freehold Interest

To approve the terms of disposal of the council's freehold interest in Barnwell House to Peabody

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

The lease to Peabody comes to an end in March 2022 and there is a need to finalise arrangements without adding to further uncertainties raised by this proposed disposal.

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

The report was scheduled for inclusion on the agenda of the December 2021 cabinet meeting but further discussions were required with regards to finalising the agreement on the position of the recycling of the capital receipt pertaining to the proposed disposal. These discussions have now been concluded.

Paula Thornton
For Proper Constitutional Officer
Dated: 10 January 2022



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 7 December 2021 at 11.00 am at the Council Offices, 160 Tooley Street, London SE1 2QH.

PRESENT: Councillor Kieron Williams (Chair)
Councillor Jasmine Ali
Councillor Evelyn Akoto
Councillor Stephanie Cryan
Councillor Helen Dennis
Councillor Rebecca Lury
Councillor Darren Merrill
Councillor Alice Macdonald
Councillor Jason Ochere
Councillor Catherine Rose

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 11: Council Tax Base 2022-23
Item 12: Policy and Resources Strategy 2022-23 to 2024-25 update.

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

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. PUBLIC QUESTION TIME (15 MINUTES)

There were none.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 19 October 2021 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:
 - Southwark Group of Tenants Organisations (SGTO)
 - Traders and representatives at Elephant and Castle
 - Age Speaks.
2. A representative of each the above deputations addressed cabinet for five minutes and questions were asked of each deputation for a period of five minutes.

8. GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL: ALL-AGE COMMUNITY DRUG AND ALCOHOL EARLY INTERVENTION, PREVENTION, RECOVERY AND TREATMENT SYSTEM

RESOLVED:

1. That a public contract regulations (PCR) 2015 competitive procurement process for a community illicit drug and alcohol early intervention, prevention, recovery and treatment system for residents of all ages, with a total maximum annual contract value of up to £3,957,084 for an initial period of 3 years from 1 December 2022, with the option to extend for a period or further periods of up to 9 years in increments with break clauses at the council's sole discretion, making a total maximum contract value of up to £47,485,008 over a maximum 12 year term be approved.
2. That gateway (GW) 2 contract award decision be delegated to the strategic director of environment and leisure, in consultation with the cabinet member for health and wellbeing.
3. That the inclusion of the Rough Sleeping Drug and Alcohol Treatment Grant (RSDATG) project be noted, that is hosted within the adult integrated drug and alcohol treatment system (AIDATS) contract, as a requirement of contractual delivery until funding expires at a current future date to to be confirmed, which constitutes a funding award of £93,823, in addition to the funding detailed in recommendation one, for a period of four months between 1 December 2022 and 31 March 2023.
4. That the potential implications for the proposed contract in relation to 'Section 31 local authority grant for additional drug treatment crime and harm reduction activity in 2021-22 funding, as outlined in paragraph 19 of the report be noted.

9. ADOPTION OF THE SOUTHWARK PLAN 2022

RESOLVED:

1. That the Southwark Plan 2022 at Appendix A of the report be agreed for adoption by council assembly.
2. That the rescission of the Southwark Plan 2007, the Core Strategy 2011, the Aylesbury Area Action Plan (2010), the Peckham and Nunhead Area Action Plan (2014) and the Canada Water Area Action Plan (2015) by council assembly upon adoption of the Southwark Plan 2022 by Council Assembly be agreed.
3. That the Inspector's Report to the New Southwark Plan at Appendix B of the report and the Main Modifications (and appendices) at Appendix C of the

report be noted.

4. That the consultation report on the main modifications provided at Appendix D of the report be noted.
5. That the the Integrated Impact Assessment (Appendix E of the report), Equalities Impact Assessment (Appendix F of the report) and Habitats Regulations Assessment (Appendix G of the report) which support the adoption of the plan be noted.

10. STATEMENT OF COMMUNITY INVOLVEMENT AND DEVELOPMENT CONSULTATION CHARTER

RESOLVED:

1. That the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC) 2021 at Appendix A and Appendix B of the report be agreed for public consultation for twelve weeks from 14 December 2021 to 7 March 2022.
2. That the consultation report at Appendix C of the report from consultation carried out in early 2020 be noted.
3. That the supporting documents to the Statement of Community Involvement and the Development Consultation Charter comprising the consultation plan at Appendix D of the report and the equalities impact assessment at Appendix E of the report be noted.
4. That authority be delegated to the director of planning and growth to finalise the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC) for consultation.
5. That it be noted that further report will be brought to cabinet recommending adoption of the final versions of the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC).

11. COUNCIL TAX BASE 2022-23

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 decision on the council tax base calculation for 2022-23 must be made between 1 December 2021 and 31 January 2022. The figure is used for revenue budget setting purposes and has historically been reported to members at the December cabinet.

RESOLVED:

1. That the council tax base for 2022-23 is set at 107,267 (105,678 in 2021-22) band D equivalent dwellings (Appendix A of the report) be agreed.
2. That the schedule of discounts and exemptions in paragraph 12 of the report be approved, which remains unchanged and will continue to be effective for 2022-23 from 1 April 2022. This is including the premium applicable for long-term empty dwellings (empty at least 10 years).
3. That it be agreed that the assumed council tax collection level for 2022-23 should remain at 97.20% (2021-22 97.20%) noting the risks outlined in paragraphs 23, 24 and 25 of the report.
4. That it be noted that the 2022-23 council tax base for St. Mary Newington parish is set at 12,262 (11,896 in 2021-22) band D equivalent dwellings.
5. That it be noted that the 2022-23 council tax base for St. Saviour's parish is set at 1,229 (1,246 in 2021-22) band D equivalent dwellings.
6. That the following be noted:
 - no changes to the council tax reduction scheme for 2022-23, as set out in paragraphs 19 to 22 of the report
 - any minor and consequential amendments to the council tax reduction scheme (CTRS) written policy are to remain delegated to the strategic director of finance and governance; in consultation with the monitoring officer.
7. That it be noted that the NNDR1 return for 2022-23 showing the national non-domestic rates base will be approved by the strategic director of finance and governance in January 2022.
8. That the proposed continuation of the current council tax section 13a (1)(c) policy covering discretionary relief terms (refer to paragraph 17-18 of the report) be noted:
 - to continue council tax discretionary relief (0% to 100%) for young people leaving Southwark council's care aged 18 to 24 years, for the period 1 April 2022 to 31 March 2023
 - to continue foster carers discretionary relief (0% to 100%), for the period 1 April 2022 to 31 March 2023.

12. POLICY AND RESOURCES STRATEGY 2022-23 TO 2024-25 UPDATE

It was not possible to circulate this report five clear days in advance of the meeting. The chair agreed to consider this item urgently because the council was committed to publishing budget proposals at the earliest possible opportunity to ensure they were available to the public for comments and questions. Presenting the report to cabinet on 7 December 2021 gives the opportunity for debate prior to presentation of budget figures to cabinet on 18 January 2022. Under the council's constitution, there is a requirement for the overview and scrutiny committee to review and challenge budget proposals and this is due to take place on January 2022.

RESOLVED:

1. That the outcome of the Spending Review delivered on the 27 October and that the provisional local government finance settlement is due to be published in December 2021 be noted (paragraphs 20-22 of the report).
2. That the intention is to prepare a balanced one year 2022-23 budget for approval by cabinet in advance of council assembly in February 2022 be noted.
3. That the budget proposals for 2022-23 contained within the report be noted which include:
 - Estimated general grant resources of £162.806m, a headline increase of £10.288m on 2021-22 but with no detail yet on the new burdens this will cover, and significantly offset by reductions in other grant funding
 - Other grant income of £71.698m, a reduction of £5.524m on 2021-22 largely as a result of the winding-down of the New Homes Bonus scheme
 - Estimated retained business rates income of £17.042m, a decrease of £1.894m from 2021-22
 - Estimated council tax revenues of £128.548m, including a council tax increase of 2.99% (1% adult social care precept and 1.99% general increase)
 - A forecast deficit on the collection fund in 2021-22 of £3.079m after allowing for spreading adjustments – this will be offset by government funding set aside for this purpose
 - Pay provision and contractual inflation of £6.9m.
4. That the draft updated Fairer Futures Budget Principles at Appendix G of the report be noted.
5. That it be noted that the Greater London Authority (GLA) is expected to increase its council tax precept and that given current circumstances, including Transport for London (TFL) finances, this increase could be significant.

6. That it be noted that the GLA council tax precept is due to be set on the 24 February, one day after council assembly sets the budget for Southwark, therefore a council tax setting committee will need to be convened.
7. That the current budget options proposed to help achieve a balanced 2021-23 budget (Appendices B to E of the report) be noted including:
 - Efficiency savings of £6.962m
 - Net income increase of £4.831m
 - Savings impacting on services of £3.815m
 - Commitments and growth of £17.677m.
8. That it be noted that, in order to ensure that the base budget is on a secure financial footing a number of commitments are proposed for 2022-23, including £6m for temporary accommodation.
9. That the updated budget gap for 2022-23 of £6.029m be noted.
10. That the draft fees and charges schedules at Appendix F of the report be noted.
11. That it be noted that officers will complete further work in light of the provisional settlement, when published, to present a fully balanced budget position for cabinet on 18 January 2022.
12. That the departmental narratives and the ongoing equality analyses of the budget proposals (Appendix A of the report) be noted.
13. That officers be instructed to undertake further consultation for new budget options where necessary or appropriate and
14. That it be noted that that the report to cabinet on 18 January 2022 will be considered by overview and scrutiny committee and that any recommendations arising will be incorporated into the final report to cabinet in February 2022 for recommendation to council assembly on 23 February 2022.

13. HOUSING REVENUE ACCOUNT - INDICATIVE RENT SETTING AND BUDGET REPORT 2022-23

RESOLVED:

1. That a provisional basis a rent increase of 4.1% for all directly and tenant managed (TMO) housing stock within the housing revenue account (HRA) (including estate voids, sheltered housing and any residual hostels), with effect from 4 April 2022 be noted. This is the maximum permitted under the

Rent Standard 2020.

2. That with regard to other HRA-wide charges, the changes to tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry system maintenance as set out in paragraphs 24 – 25 of the report with effect from 4 April 2022, be noted on a provisional basis.
3. That the proposed changes to sheltered housing service charges as set out in paragraphs 26 – 28 of the report with effect from 4 April 2022 be noted on a provisional basis.
4. That the changes to charges for garages and other non-residential facilities as set out in paragraphs 29 – 30 of the report with effect from 4 April 2022 be noted on a provisional basis.
5. That the proposed increase to district heating and hot water charges as set out in paragraphs 31 – 38 of the report with effect from 4 April 2022 be noted on a provisional basis.
6. That the 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 be reaffirmed.
7. That officers be instructed to provide a final report on rent setting and the HRA Budget for 2022-23 after due consultation processes with residents have been followed, for consideration at their meeting on 18 January 2022.

14. GATEWAY 1 - PROCUREMENT STRATEGY FOR THE BOROUGH'S TREE WORKS PROGRAMME

RESOLVED:

1. That the retention of the in-house tree maintenance team and proposals to combine it with the in-house client team, to form a single, cohesive and comprehensive in-house team to manage the Borough's significant tree stock be agreed.
2. That a competitive tender process to formalise current externalised works delivery by putting in place longer term tree maintenance contract(s) to support in-house provision be approved. The procurement process will seek up to three providers for a period of four years from October 2022, with an option to extend for an additional period of up to two years, at an annual estimated value of £1.5m, with an estimated maximum total contract cost of up to £9m (with extensions), recognising that final costs will only be determined following the completion of the tender process.
3. That the establishment of an additional framework agreement for tree

maintenance for a period of four years that will be open for use by all London boroughs from October 2022, subject to business need, as further detailed in paragraphs 62 and 63 of the report be approved.

4. That tree planting arrangements (as outlined in paragraph 43 of the report) to deliver the tree planting programme whilst noting that other delivery methods that optimise the capital resource allocated will be explored including direct employment and working with community interest companies be approved, in conjunction with the formal processes for community engagement and stakeholder cooperation as set out in paragraph 105 of the report.

15. HOMECARE ANNUAL REVIEW REPORT 2021

RESOLVED:

1. That the journey of the care at home contracts since the last report received in October 2019 be noted.
2. That the impact of the Covid 19 pandemic on care at home providers and the ongoing challenges relating to recruitment and retention of staff be noted.
3. That the performance concerns in relation to adults care at home contracts be noted and the management action being taken to improve services to residents be endorsed.
4. That the recommendation that reporting is developed against strategic outcomes from the 2017 contract award for care at home services be noted.

16. SCHOOL STANDARDS REPORT 2021

RESOLVED:

That the 'Southwark School Standards Report 2020-21' Appendix 1 of the report be noted.

17. VARIATION OF DEVELOPMENT PARTNERSHIP AGREEMENT

This item was deferred.

18. TUSTIN ESTATE LOW RISE REDEVELOPMENT PROGRAMME: UPDATE AND PHASE 1 COMPULSORY PURCHASE ORDER (CPO)

Tustin Community Association provided comments in respect of this item which were read out to the meeting.

RESOLVED:

1. That the current position in relation to the delivery of new homes at Phase 1 of the Tustin Estate investment programme be noted:
 - Cabinet approved the funding package for the delivery of the Tustin Estate Low Rise Redevelopment Programme in July 2021
 - A design team led by DRMM have been appointed
 - A pre-construction services agreement with BY Group has been agreed
 - The council has successfully rehoused 6 households in Hillbeck Close on secure tenancies
 - Only one household remains in Ullswater
 - The council is continuing to negotiate with all 5 remaining leaseholders within Hillbeck Close with the intention to acquire these remaining interests by agreement.

2. That it be resolved to make a Compulsory Purchase Order (CPO) under Section 226 (1)(a) of the Town & Country Planning Act 1990 (“the 1990 Act”) for all land and rights within the Phase 1 area of land identified within the plan at Appendix 1 of the report for the purposes of facilitating the redevelopment, development and improvement of the land and securing the delivery of new homes on the site in line with the proposed planning consent (“the Scheme”) and thereby securing the regeneration of the Tustin Estate.

3. That the director of planning and growth, in consultation with the director of housing, be authorised on behalf of the council to:
 - Take all necessary steps to secure the making, confirmation and implementation of the CPO, including the publication and service of all notices and the presentation of the council’s case at public inquiry should one be called
 - Acquire for planning purposes all interests in land and new rights within the CPO area as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of the land interests and/or for new rights over their land (as appropriate), the payment of compensation and dealing with any blight notices served in connection with the CPO
 - Approve agreements with land owners setting out the terms for the withdrawal of objections to the CPO, including where appropriate seeking the exclusion of land or new rights from the CPO or giving undertakings as to the enforcement of the terms of the CPO
 - Make any minor additions, deletions or amendments to the extent of the land to be included in the CPO as shown in Appendix 1 should the need arise, so as to include all interests in land and rights required to facilitate the construction, maintenance and use of the Scheme
 - Take all necessary actions in relation to any legal proceedings relating to the CPO, including defending or settling (as appropriate) any compensation claims referred to the Lands Chamber of the Upper

Tribunal due to the making or implementation of the CPO, and to take all necessary steps in respect of any other legal proceedings that relate to the making, confirmation or implementation of the CPO

- Appoint and/or retain such external professional advisors and consultants as are necessary to assist the council in facilitating the Scheme, including in the promotion of the CPO and the settlement of any compensation claims.

19. LEDBURY ESTATE TOWERS - FUTURE REDEVELOPMENT UPDATE

Councillor Stephanie Cryan, cabinet member for council homes and homelessness read a statement from the Ledbury Residents Project Working group in respect of the report.

RESOLVED:

1. That a variation to the housing investment programme for funding of £149.58 million to enter into a works contract following approval of a contractor appointment be approved.
2. That a variation to the housing investment programme for funding of £19.16 million of on costs required to take the project to practical completion be approved.
3. That the project progress since the July cabinet paper along with progress of related processes be noted.
4. That the ongoing engagement with the local community be noted and all residents, and in particular the Resident Project Group, be thanked for their contribution.
5. That the intention to deliver a greater number of council rent homes as part of sub-phase 2 of the redevelopment be noted.
6. That the delivery programme, financial implications and associated risks of the project be noted.
7. That approval and appointment of a contractor will be carried out via the council's constitutional process of gateway 2 process in summer 2022 to enable commencement of works by September 2022 be noted.
8. That the procurement update be noted.

20. PROPOSAL TO ESTABLISH 'SOUTHWARK CONSTRUCTION' TO BUILD THE HOMES AND DEVELOP THE SKILLS OUR BOROUGH NEEDS

RESOLVED:

That the creation of 'Southwark Construction', an internal arm of the council, that will deliver new council housing and in doing so also create and develop a wide range of benefits that meet the challenging expectations of the council be agreed. This will provide ongoing employment opportunities, realisation of social value deliverables, training and career progression within a professional environment that focuses on providing high quality, carbon neutral homes be agreed. It will also bring opportunities to establish some of the more specialist professional construction roles, currently outsourced at high cost, in-house.

21. IMPACT OF THE BUILDING SAFETY BILL

RESOLVED:

1. That the impact of new and emerging legislation - most notably, the Fire Safety Act and the Building Safety Bill be noted.
2. That it be noted that the Building Safety Programme is underway, allowing the council to respond to the new and emerging legislation.
3. That the creation of a new assistant director role for building safety, at either grade 17 or grade 18, subject to evaluation be approved. This will allow for the necessary senior strategic leadership to take the programme forward, as set out in paragraph 90 of the report.

22. BARNWELL HOUSE, ST GILES ROAD, CAMBERWELL, LONDON SE5 7RP - DISPOSAL OF FREEHOLD INTEREST

This item was deferred.

23. YOUTH NEW DEAL PROGRESS UPDATE

RESOLVED:

That the progress made in delivering the Youth New Deal be noted, in summary:

- a) The setting up of cross departmental governance for the Youth New Deal programme delivery
- b) The launch of a new Youth Parliament made up of 43 young people and

their priority areas for the year: Mental health, Knife Crime, Black Lives Matters and Disability Inclusion

- c) Delivery of “Summer of Play” a summer programme of activities attended by over 380 children and young people
- d) The launch of a new Positive Futures for Young People’s Fund
- e) The appointment of a provider to develop a new digital hub
- f) The completion of a youth review of facilities in the Brandon Estate
- g) The progress made on developing a Sure Start for Teenagers service
- h) The expansion of The Nest, a mental health support service for young people
- i) The progress made on pathways into employment and enterprise for young people
- j) The collaboration with the arts and creative sector in order to broaden the scope of activities and opportunities available to young people.
- k) Work undertaken to look into the feasibility of a new, state of the art youth facility in Southwark.

24. APPROVAL OF TRANSPORT FOR LONDON (TFL) FUNDING GRANT SUBMISSION FOR 2022-23

RESOLVED:

Decision of the Cabinet

1. That the content of the council’s proposed Local Implementation Plan (LIP) submission to Transport for London (TfL) that identifies transport projects to be delivered using this funding in 2022-23 in Appendix A of the report and that this be submitted to TfL be agreed.

Decisions of the Leader of the Council

2. That authority be delegated to the cabinet member for transport, parks and sport to amend the programme for 2022-23 should any variations to the proposed programme be required.
3. That authority be delegated to the cabinet member for environment, transport management and the climate emergency to determine the most appropriate use of the £100k discretionary funding allocated by TfL for 2022-23.

25. RESPONSE TO THE ENVIRONMENT SCRUTINY COMMISSION - AIR QUALITY (PART 2)

RESOLVED:

That an update on officers’ responses to environment scrutiny commission’s report ‘Air Quality scrutiny review report- part two’ dated April 2021 be received

for information, further to the report considered at cabinet September 2021.

26. RESPONSE TO THE ENVIRONMENT AND SCRUTINY COMMISSION - MENTAL HEALTH INEQUALITIES OF BLACK, ASIAN AND MINORITY ETHNIC CHILDREN AND YOUNG PEOPLE

RESOLVED:

1. That the response to the health and social care scrutiny commission - mental health inequalities of Black, Asian and Minority Ethnic children and young people, be noted.
2. That delivery of the recommendations be linked to priorities within the Southwark Joint Health and Wellbeing Strategy, which is currently being refreshed.
3. That progress against the recommendations be presented at a future cabinet meeting in 6 months.

27. RESPONSE TO THE ENVIRONMENT AND SCRUTINY COMMISSION - ENVIRONMENT AND PLANNING

RESOLVED:

That the officer response to the eight recommendations made in the 'Planning and Environment Review Report' (July 2021) that was prepared by Southwark Council's environment scrutiny commission and heard at the September 2021 cabinet meeting be noted.

28. RESPONSE TO THE HOUSING AND COMMUNITY ENGAGEMENT SCRUTINY COMMISSION: ESTATE CLEANING SERVICES AND ANTI-SOCIAL BEHAVIOUR TO SOUTHWARK ESTATES

RESOLVED:

That the responses to the housing and community engagement scrutiny commission: estate cleaning services and anti-social behaviour on Southwark Estates as set out in the report be noted.

29. RESPONSE TO THE HOUSING AND COMMUNITY ENGAGEMENT SCRUTINY COMMISSION - REVIEW OF COMMUNITY HUBS

RESOLVED:

That the response to recommendations set out in the report of the housing

and community engagement scrutiny commission (September 2021) be agreed.

30. MOTIONS FROM COUNCIL ASSEMBLY

Councillor Kieron Williams, Leader of the Council confirmed a commitment by cabinet to ensure delivery and action to the points set out in the motions.

RESOLVED:

The Southwark Youth New Deal

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. Council Assembly notes:
 - a. That under this Labour administration, Southwark is committed to working with young people to deliver the best possible services through a £15 million youth investment. This investment is geared towards improving all outcomes for young people including their health, wellbeing, social, education and employment opportunities. This includes three council managed youth centres and 29 organisations that deliver youth activities in great spaces across the borough, including the reopening and refurbishment of spaces like the Blue Youth Club.
 - b. The council has won an international award for its ethnographic engagement of young people in the design of its services. Young people are currently working with urban creatives *We Made That* to film spaces on the Brandon which will bring about a youth-led transformation of relevant spaces.
 - c. The new Youth Parliament selection is underway – with every secondary school, special education school, pupil referral unit, college, and youth centre currently engaged in canvassing and voting so that the new Youth Parliament can sit in the autumn.
 - d. This Labour administration has revolutionised young people’s mental health services. Southwark is now a beacon of mental health support by delivering its commitment to support 100% of children and young people with mental health needs, through its launch of the free open access mental health drop in The Nest and the £2m investment in schools for mental health prevention.
 - e. The council has delivered on training and employment for its young residents whilst the government’s implementation of Kickstart made it difficult for employers to navigate, and challenging for young people to

participate. Since July 2019, Southwark Works has supported 570 young people; helping 104 of them into secure and good quality jobs and apprenticeships, and 142 into other outcomes including training and work experience. A further 114 young people have been supported into well-paid internships.

- f. Under this Labour administration, Southwark is committed to great outcomes for its young people, with no young person left behind. 199 young people who were previously not in education, training or employment have received training through the Southwark Construction Skills Centre, and a further 961 Southwark school children are engaged with the programme.
- g. Southwark's Special Educational Needs and Disability (SEND) Services include great education and post sixteen offers for our young people. We are exemplars, with other local authorities turning to Southwark for guidance on their SEND services. Our Youth Offending Service (YOS) is now a national exemplar, and was praised by Ofsted and HM Inspectorate of Probation for carrying out essential work supporting young people. This Labour administration has protected funding for YOS and will continue to do so in the face of Conservative cuts.

2. Council Assembly further notes:

- a. Even before the pandemic, children and young people have been stunted and pulled down by 11 years of Conservative austerity. We recognise that cuts to council budgets, attacks on welfare and benefits, a national crisis in care, and the London housing crisis have all impacted on young people in the Southwark.
- b. According to the YMCA over 760 youth centres have closed since the Conservative-Liberal Democrat coalition in 2010, widely condemned by experts as pushing young people into violence and exploitation. The list goes on; university tuition fees trebled, arts provision cut, Educational Maintenance Allowance scrapped. In this time, investigations where a young person is believed to be at risk of significant harm have more than doubled.
- c. Children and young people have lost over half a year of face to face learning, and this, combined with unequal access to home learning, has exacerbated existing attainment gaps. Worryingly, in June the government's schools recovery chief, Sir Kevan Collins, resigned in disbelief over the lack of funding offered - £1.4bn against the £15bn recommended – to help children catch up.
- d. The growing mental health crisis for young people has been magnified by repeated lockdowns, whilst provision remains woefully inadequate. According to the charity Young Minds, 67% of young people believe that

the pandemic will have a long-term negative effect on their mental health, whilst 40% said that their school had no school counsellor. Devastatingly, data from the Millenium Cohort Study has shown that 7% of children have attempted suicide by the age of 17.

- e. Covid-19 has wreaked havoc on the sectors where young people make up the bulk of employees, such as leisure, hospitality and tourism – according to a London School of Economics (LSE) study, if you are under 25 you are more than twice as likely to have lost your job than an older adult.
3. Council assembly therefore calls on cabinet:
- a. To deliver the Youth New Deal at pace:
 - i. To put all young people at the heart of service design for young people.
 - ii. To make sure that the new Youth Parliament is inclusive and accessible with co-opted young members with care experience, experience of the youth justice system and school exclusion.
 - iii. To recommission its youth service programmes, ('Positive futures for young people fund') to reflect young people's voices, by directly involving young people in the selection of providers with new programmes, to commence in April 2022.
 - iv. To build on the vision to support 100% of child and adolescent mental health need and the success of the council's child and adolescent free mental health drop-in service by continuing to provide its outreach service to schools and including pop-up drop-in services throughout school holidays, in order to increase accessibility and profile of and young people's mental health support.
 - v. To recession-proof youth opportunity and ensure that every school leaver has an education, training or employment opportunity, by delivering ongoing support for vulnerable young people into jobs and apprenticeships through programmes such as Southwark Works.
 - vi. To ensure that, aligned to the emerging digital hub, the Youth Opportunities Campaign will continue to promote job and training opportunities directly to young people and their guardians via a monthly bulletin. The £2m Southwark Pioneers Fund will also support young entrepreneurs to start and sustain their own businesses.
 - vii. Launch a new Sure Start for Teenagers to establish a new cross council and cross partnership initiative to support teenagers and their families where needed.
 - viii. To develop a new youth digital information hub and establish a new youth services portal/website as the cornerstone of the Youth New Deal. To ensure the rapid provision of comprehensive, up to date

and accessible information about activities and services for young people and their families.

- b. To lobby the government to invest in young people's futures by:
 - i. Putting forward a comprehensive schools plan that will allow our young people to catch up on their lost education, coupled with a funding package which means this can actually be delivered.
 - ii. Funding our schools in Southwark properly and finding a fairer funding formula that will allow our schools to stay open despite falling pupil admission numbers, so that smaller class sizes can help our young people catch up on lost learning.
 - iii. Ensuring there is good quality mental health support in every school and Higher Education facility, and follow the lead of the Labour-led Welsh Government which has legislated to make counselling support for pupils age 10 -18 mandatory.
 - iv. Address the administrative issues and technical difficulties which are stopping businesses and young people alike from benefitting from the Kickstart scheme.
 - v. Reinstating and ring-fencing youth services funding to 2010/11 real terms levels.

Recognising Single Parent Rights

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. Council assembly notes:
 - a. There are 2.9 million single parents in the UK, accounting for one in four parents. Around [one third of parents experience some period of single parenting.](#) Although [almost 70% of single parents are employed,](#) a third of children [in working single parent homes live in poverty](#) and almost 30% (double that of coupled parents) report [mental health concerns.](#) Single parents face discrimination throughout their daily lives, from the workplace to accessing housing. This has knock on effects for them, their children and society as a whole.
 - b. Many single parents face multiple discrimination given 90% [are women,](#) around [27% live with a disability](#) (compared with 21% of couple parent households), and [black and mixed ethnicity communities have higher numbers of single](#) parents compared with white communities. In London there are over 260,000 single parents; according to the 2011 census Southwark has 40% rate of single parent households and these figures are likely under-reported.

2. Council assembly further notes that discrimination towards single parents occurs in:
- a. the workplace when it comes to [recruitment, professional development and promotion](#)
 - b. housing, specifically accessing private rentals properties especially for those reliant [on housing benefit](#)
 - c. child benefit calculations: a couple earning £98,000 combined will receive full child benefit for one child, whilst a single parent on £60,000 will receive no child benefit for two children;
 - d. childcare vouchers with couples able to access double the amount of vouchers where both are working, regardless of the actual amount they spend on childcare;
 - e. [universal credit childcare payments](#);
 - f. support and adaptations required for a disabled child to live safely in both homes where parents share care.
 - g. entrance fees at tourist attractions are often higher per person for [single parent families than couple families](#). At the National Trust single parents pay 25% more per adult;
 - h. membership fees e.g. for birthing/ parenting classes where the second parent in a couple is often 'free';
 - i. inheritance tax with the child(ren) of a couple essentially have double the threshold compared to the child(ren) of a single parent;
 - j. [the cost of holidays](#), and
 - k. [government and business policies and rules during the Coronavirus lockdown 2020](#).
3. Council assembly recognises:
- a. That Southwark Council is committed to promoting equality irrespective of marital or civil partnership status and valuing the contribution made by all citizens. At a national level, however, the legislative oversight in respect of single parents is a chasm which needs to be addressed. Single parents are often subject to systematic discrimination across every aspect of life, and it is unconscionable that these circumstances have been permitted to exist for so long, all the while doing so much harm.
4. Council assembly therefore resolves to:
- a. Be at the forefront of ensuring that equality for all is embedded in our practices and employment policies.
 - b. Actively support the campaign for single parents' rights, working with the government, campaign groups, community organisations and other partners to ensure that single parents have the parity they deserve.

- c. Lobby the Government to enshrine single parent rights in law including:
 - 1. The right for employees to request part-time or flexible working from their first day in a job.
 - 2. Commissioning an independent review into the funding and affordability of childcare, particularly in regards to single parents, and to accept its recommendations.
 - 3. Better access to financial support for single parents who have to take time off work to care for children sent home from school or childcare settings due to Covid-19. The single parents' charity Gingerbread is calling for the Government's £500 Test and Trace Isolation Grant to be extended to parents in low-income households who have to take unpaid time off work when their children are sent home from school or childcare settings due to Covid-19.
 - 4. End the 5 week wait for Universal Credit and create a faster process for single parents to receive their first Universal Credit payment.
 - 5. Make the £20 Universal Credit uplift permanent, as according to Save the Children two thirds of claimants are single parents.

- 5. Council assembly recognises that making these law changes would have a number of benefits, including:
 - a. greater single parent employment;
 - b. reduced reliance on government benefits;
 - c. greater disposable income for single parents to spend in society;
 - d. more stable and decent housing for single parent families;
 - e. better mental health for single parents;
 - f. lower poverty levels for children of single parents; and
 - g. better outcomes for the children of single parents.

Protecting Green Spaces and Tackling the Housing Crisis for Future Generations

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

- 1. Council assembly notes that:
 - a) For all local authorities, there is a delicate and necessary balance between the building of new council homes and the adequate provision of outside space for residents.

 - b) There is a very real human cost to choosing not to explore all sites on which to provide new council homes, just as we must continue to enhance our outside spaces.

- c) Southwark Council is exploring all avenues to provide more council homes, including 70 sites across the borough.
- d) Developing those sites would guarantee that future generations have access to genuinely affordable homes and all of the health and wellbeing benefits that this provides.
- e) All projects will include open, inclusive and transparent consultation with residents including a robust process to take residents with us as we make these decisions together.
- f) In addition to this, our Great Estates Programme seeks to both expand the number of council homes on appropriate existing estate sites, and enrich these estates by working with residents to improve the look and feel of them.
- g) Southwark has 30 green flag parks (the highest number within inner London), and continues to invest in its parks and green spaces:
 - Over £61 million invested in parks since 2010;
 - Launch of the Southwark Nature Action Plan (SNAP) in 2020 to protect biodiversity and make nature accessible for all;
 - 'Re-wilding' parts of our green spaces;
 - Introduction of 200 new allotment plots as part of the Allotment Expansion Scheme;
 - Planting over 8,000 trees this year alone under our commitment to plant 10,000 by 2022.
- h) The New Southwark Plan will also increase the amount of protected open space in the borough, including 17 new Sites of Importance for Nature Conservation.
- i) There is a dire need to meet Southwark's 15,000 household-strong waiting list for housing, and the council's current approach to site-selection will fully incorporate the importance of provision of accessible, green, outside spaces.
- j) The disastrous right-to-buy policy introduced and extended by successive Conservative governments has led to the loss of over 17,000 council rented homes in Southwark
- k) Despite the fact that Southwark has brought 231 empty homes back in to use this year, the number of empty homes in Southwark is still unacceptable and so in September Cabinet will put forward an Empty Homes Action Plan to bring more empty homes back into use.

2. Council Assembly further notes that:

- a) Green spaces in London are of significant benefit and popularity to the population surrounding them.
- b) Green spaces should not become a luxury only accessible to the well off. A report by the National Children's Bureau in 2013 found that better-off children were nine times more likely to have access to green spaces than those in the most deprived areas.
- c) Our green spaces aid wellbeing. A London Green Spaces Commission report last year estimated that green spaces save London £950m per year in avoided health costs. A Public Health England report in 2020 stated, "£2.1 billion per year could be saved in health costs if everyone in England had good access to greenspace."
- d) After a year of lockdowns, Londoners want to see green spaces protected. A May 2020 poll by CPRE, the countryside charity, and the National Federation of Women's Institutes (WI), found that nearly two-thirds of Londoners (62%) felt that protecting nearby green spaces should be a higher priority for the government when lockdown ends.
- e) London is facing increased urbanisation. A 2020 report by the London Green Spaces Commission discovered that, in the previous ten years, spending on public green space fell by over 30% to £159m. However, London's population in that time grew by 11.2%.
- f) Losing parks and green spaces would adversely affect the climate emergency. For instance, the ONS found that UK vegetation removed enough dangerous air pollution in 2017 to equate to a saving of £1.3bn in health costs.
- g) Therefore, it is our duty as councillors to ensure that we protect our green spaces so that future generations can enjoy them equally and gain from them as fruitfully as we have done.
- h) It is also our duty as councillors to do everything within our means to house residents in affordable, comfortable and safe housing; and do all we can to prevent homelessness in Southwark.
- i) London is in the grip of a housing crisis. Between 1997 and 2016 London's population increased by 25%, but the number of homes only increased by 15%.
- j) In June 2020, over 127,000 children were living in Temporary Accommodation in London.
- k) There are 15,000 households on the waiting list for a home in Southwark. Half of these households include children.

- l) Many of these households currently live in severely overcrowded and unsuitable accommodation – sometimes entire families in a single room.
 - m) There are 3,200 households in temporary accommodation in Southwark.
 - n) Southwark urgently needs more council homes.
3. Council assembly calls on the cabinet to:
- a) Conduct an audit of all planned investment in our green spaces, outdoors sports and children’s play facilities across Southwark to ensure that they are recognised and protected for residents' amenity.
 - b) Urgently review the site-selection criteria for council-led developments, to ensure there is enough provision to support our commitment to tackle the housing crisis and maintain our dedication to high quality parks and green spaces across the borough.
 - c) Invest further and enhance the borough’s parks and open spaces to ensure residents across Southwark have access to high quality green space and to further increase our borough’s biodiversity.
 - d) Focus on building new council homes on sites suited for development — including former industrial/commercial sites across the borough and on car parks and under-used sites on our existing estates and publicly owned land.
 - e) Continue to be creative in finding ways to deliver more council homes, including buying new sites and homes where financially viable and continuing to secure more social housing in new developments through planning.

Covid-19 Education Recovery

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

- 1. Council assembly notes that:
 - a. The Government published its plans for education recovery after the pandemic on 2 June 2021.
 - b. Sir Kevan Collins, appointed by the Prime Minister as the Government’s Education Recovery Commissioner, had judged that some £15bn was needed to repair the damage done to the nation’s pupils because of Covid-19. The Government’s subsequent offer of £1.4bn falls far short and is severely inadequate. The Education Policy Institute have calculated that this amounts to £50 per pupil per year.

- c. This contrasts with the offer of £1,600 per pupil in the USA and £2,500 per pupil in the Netherlands. There are no quick or cheap fixes if we are to build back better from the pandemic and have an education system that supports high standards and strong mental health for everyone.
2. Council assembly also notes that:
 - a. The Department for Education has changed the census used to calculate Pupil Premium funding for the most disadvantaged pupils. This means that £150 million is being taken away from young people and schools most in need, including £1.2m in Southwark – the equivalent of 892 Southwark primary school children not receiving their Pupil Premium.
 3. Council assembly therefore resolves:
 - a. To lobby the Government to value and invest in all our children, so they are supported to learn, succeed, and go on to have bright futures.
 - b. To write to the Prime Minister and call on the Government to scale up its ambition for our children and young people and give our education system the resources they need to ensure that no child is left behind. The Government should show it is serious about levelling up by putting in the investment called for by its own former Education Recovery Commissioner.

Climate Justice: A Green Future For All

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. Council Assembly notes:
 - a) That the climate crisis requires urgent global action to keep warming below 1.5 degrees and to avoid the catastrophic consequences of temperatures rising beyond this, as set out by the Inter-Governmental Panel on Climate Change (IPCC).
 - b) That the UK along with other wealthier countries has a particular responsibility to reduce emissions, being responsible for a larger proportion of both current and historic emissions, and notes the government's legally binding target to reduce emissions by 78% by 2035 and to be net zero by 2050, along with this borough's ambition to be a carbon neutral borough by 2030.
 - c) That in a warming world, Southwark is particularly vulnerable to extreme weather events and to flooding, as an urban borough which is bordered

by the Thames in the north with flat and low-lying land beneath this, with 60% of residents living less than 10 metres above sea level.

- d) That according to a recent global survey three quarters of young people now feel frightened about their future as a result of climate change. In London, 82% of residents are concerned about climate change, with 66% saying they have become increasingly concerned in the last year.
- e) That UK government plans including their Net Zero Strategy, are too little, too late, and fail to provide adequate funding for local authorities to deliver on a just transition, especially in the area of social housing decarbonisation which could help reduce fuel bills for residents.
- f) That the government's record speaks for itself: scrapping the planned zero carbon homes standard, ending the feed-in tariff, continuing to pursue oil and gas exploration, a dodgy trade deal with Australia, and a failed Green Homes Grant. Failing to regulate properly and invest, leaving everything to the whim of the market. And a Prime Minister who doesn't think twice about taking a private jet to Cornwall.
- g) That the recent Spending Review barely mentioned climate change, whilst halving air passenger duty for domestic flights and freezing fuel duty, just days before COP26 began.

2. Council Assembly further notes:

- a) That despite a lack of leadership from government, local communities and local authorities are stepping up to make ambitious commitments to bring about change.
- b) That Southwark declared a climate emergency in 2019, accelerating work that was already underway to reduce emissions, and that the council's operational emissions have already halved since 2018.
- c) That the council has published its Climate Change Strategy and Action Plan, with 85 priority actions which will put us on the path towards net zero by 2030.
- d) That we have already made excellent progress on much of this, including:
 - i. Buildings – installing water-source heat pumps on three of our estates to serve over 2100 homes; bringing forward new passivhaus council homes in Rotherhithe; delivering retrofit work to street properties and the Tustin towers; greening our council buildings including by installing heat pumps in libraries; strengthening our planning policies through the New Southwark Plan and establishing a new Green Buildings Fund to retrofit our community buildings.

- ii. Transport – doubling cycle storage to 500 hangars next year, delivering 4 kilometres of cycleways, installing over 260 electric vehicle charging points with more planned this year; 36 school streets and 11 street space schemes to promote active travel; and major upgrades to London Bridge, Denmark Hill, Elephant and Castle and Peckham stations.
 - iii. Natural environment – planted over 8,000 new trees last year alone, supported biodiversity through its ‘no-mow’ policy, creating 200 new food growing plots on estates, opened the new Elephant Park, invested in renewing Burgess Park, Camberwell Green and Dickens’ Fields, started to consult on Bramcote Park, and retained 30 Green Flag parks – the most in inner London. Through the New Southwark Plan, the council is creating 17 new sites of importance for nature conservation, ensuring biodiversity net gain in development, and creating 11 hectares of new protected open space.
 - iv. Circular and Green Economy – pledged to create 5000 green jobs between now and 2030; ended the pension fund’s direct investments in fossil fuels with a target to be 100% fossil fuel free by 2030; and maintained one of the best recycling rates in inner London, up from the 6th worst recycling rate in the country in 2010.
 - v. Renewable and Sustainable Energy – rolled out LED street lighting, switched to 100% renewable electricity in council buildings, supported the expansion of South East London Combined Heat and Power (SELCHP), sought to maximise renewable energy generation through new developments, and have started to install solar photovoltaic systems on council buildings.
- e) We are investing an additional £25 million of capital funding into carbon reduction projects which will include among other things, electrification of our council fleet, further decarbonisation of council buildings including leisure centres when these are brought in house, and the expansion of measures to support the borough’s climate resilience.
 - f) That the council is supporting a citizens’ jury on climate change, which will bring together a group of people who are representative of the borough’s demographics to make recommendations on how the borough can further respond to the climate emergency.
 - g) That the analysis underpinning the Climate Strategy and Action Plan estimates that capital investment of £3.92 billion is required for Southwark alone and that the government must therefore demonstrate its seriousness to this agenda by fully partnering with and resourcing local authorities.

- h) That the lack of a long-term funding settlement with TfL is damaging to our efforts to become a carbon neutral borough, putting important projects on hold such as the Bakerloo Line Extension, the Rotherhithe Bridge, bus service enhancements and electrification, and active travel infrastructure.
3. Council Assembly celebrates and thanks:
- a) The community organisations and projects who have worked hard to bring down carbon emissions locally and protect Southwark from climate change; we applaud you and are grateful to be hearing from some of these groups today.
4. Council Assembly resolves to call on Cabinet to:
- a) Continue working with the community and local businesses to build upon Southwark's climate action plan and ensure collectively we are doing everything we can with the resources we have to achieve net zero by 2030. This work must have a strong focus on decarbonising Southwark's buildings, and moving away from petrol and diesel vehicles.
 - b) Go further in addressing and resourcing action to address the related ecological emergency, building on the existing Southwark Nature Action Plan, to see further flourishing of nature and biodiversity across the borough.
 - c) Review Southwark's planning policies in line with our aim to be a carbon neutral borough by 2030, including through the establishment of a local carbon offset price.
 - d) Work to implement all the recommendations of Southwark's Climate Change Citizens Jury within the council's capacity, and work with all concerned stakeholders to respond to the Jury's recommendations.
 - e) Protect Southwark residents from the impacts of climate change by bringing forward an Adaptation Plan in 2022 which will consider:
 - i. An increased population due to climate refugees and displaced citizens.
 - ii. The urban heat island effect which we are already experiencing in London.
 - iii. Flooding and other extreme weather.
 - iv. Public health risks including new diseases.
 - v. Water scarcity and food shortages for residents.

- f) Strengthen its lobbying efforts, working with the Local Government Association and networks like UK100, to push the government for the more ambitious national action and funding that is urgently needed to address the climate emergency.

A roadmap for clean streets for Southwark

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. Council assembly observes that:
 - a) The UK has significant issues with rubbish. According to Greenpeace, the country produces more plastic waste per person than any other country bar the US. Official statistics revealed that the UK only recycled around 44% of waste in 2018, below the EU average. The German rate was 67%.
 - b) Charity Keep Britain Tidy estimates that two million pieces of rubbish are dropped every day across the country. The street cleaning cost of this is £1bn annually. On average, 14 calls a day are made to the RSPCA regarding wildlife harmed by litter.
 - c) Seven million tonnes of food and drink are thrown away each year, most of which could have been consumed. Experts say that food waste contributes 8-10% of global greenhouse gas emissions
 - d) In an article earlier this year, the Sunday Mirror reported that fly-tipping in Britain has jumped by more than 500%. This has a large impact on the environment as damaged fridges and freezers let out ozone-harming gases.
2. Council assembly notes that:
 - a) Since 2010, the Labour administration has turned around a falling recycling rate, cleaned our streets and maintained a high rate of collection. The last set of formally published results were for 2019/20 when we achieved a 35.14% recycling rate. The recycling rate achieved was the best of the 13 inner London councils.
 - b) Since Labour took control of the council, Southwark has had ambitious recycling targets and the council's recycling rates are a huge improvement on the pitiful Liberal Democrat/Conservative record from pre-2010, when the council had the sixth worst recycling rate in the country.
 - c) The council's waste management team has taken significant steps to tackle fly tipping in the borough, including the setting up of a new

fly tipping task force. Between April and September 2021, 98.6% of fly tipping incidents were cleared within 24 hours of reporting to the council's waste management team.

- d) During the Covid-19 pandemic, there was significant staff absence from the waste management team, as staff were either unwell or isolating. Despite these significant challenges, and more latterly the impact of the HGV driver shortage, the full range of waste collection services have continued to be deployed throughout. The waste collections teams have worked hard under unprecedented conditions to ensure the mainstay of the collection services were kept operational.
 - e) The waste management team has now recovered to its pre-pandemic level of performance and is delivering higher overall performance, with missed collections now at below 50 per 100,000, which is on target.
 - f) Councillors across the borough are supporting fantastic initiatives to reduce litter on our streets and in our parks, including by working with organisations such as Plastic Free East Dulwich and Plastic Free Peckham and via the Empowering Communities Programme.
3. Council assembly calls on the cabinet to:
- a) To continue to be ambitious for recycling in Southwark and maintain our place as one of the highest recycling rates in inner London
 - b) When the new Environment bill becomes law, to utilise the new powers to further maximise the recycling rate.
 - c) To investigate the use of new technology to improve waste collection and recycling rates, including recycling of food waste.
 - d) To investigate new means of creatively reducing, collecting and disposing of food and garden waste including incentivising, supporting and encouraging an increase in home composting by residents across the borough.
 - e) To improve accessibility and ease of use of Southwark's reuse and recycling centre in order to make disposing of waste easier, specifically by making such adjustments with the purpose of making the centre more accessible for residents who are digitally excluded and those who do not have access to a car.
 - f) To implement the plan to improve bin collection rates, including improvements to IT reporting systems, so residents are able to easily report missed bin collections, and more effective monitoring of

problem areas to prevent repeat missed bin collections.

Responding to the Afghan Refugee Crisis and Supporting Refugees and Asylum Seekers

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. Council assembly notes:

- a) Afghanistan has undergone a devastating and avoidable tragedy and continues to face a humanitarian and political crisis. Our thoughts are with all those forced to flee their homes, with the families and loved ones of those killed and wounded and those who are suffering in and still trying to escape Afghanistan - including the families of many Southwark residents. We continue to have particular concern for women and girls and for Afghan people who have supported the British civil and military authorities in their country in various ways.
- b) More than 15,000 Afghans were evacuated to the UK before 31 August. The majority of those refugees have since been placed in bridging hotels – 30 % have been placed in bridging hotels in London – including here in Southwark.
- c) London boroughs have been integral to providing wraparound support. Without the work of local government, thousands of Afghans would not have had their basic needs met and children would not be accessing play and education. It is equally clear that without local government, resettlement will be impossible.
- d) In the context of a decade of cuts to local government funding and drastic cuts imposed on our own budget in Southwark, it is imperative that government provides adequate funding to councils to support refugees and does not let the burden fall on already stretched local authorities.
- e) That beyond the recent Afghanistan crisis - London boroughs are already supporting thousands of asylum seekers in contingency hotels. This includes Southwark where there has been a lack of meaningful consultation and coordination with Southwark Council.

2. Council assembly further notes that Southwark Council:

- a) Has a long and proud history of supporting people fleeing persecution overseas and is committed to becoming a Borough of Sanctuary.

- b) Has committed to welcome Afghan refugees to our borough under the new Afghan Citizens Resettlement Scheme (ACRS) and is in the process of identifying long-term accommodation. We are proud to have worked through London Councils to agree and sign up to the principle of all London boroughs providing long term homes.
- c) Had already committed to participate in the previous Afghan Relocations and Assistance Policy (ARAP) and have resettled families through the Syrian Vulnerable Persons Resettlement Scheme.
- d) Is already providing wraparound support to Afghan refugees placed by the Home Office in temporary hotel accommodation in our borough. We are working with local partners and Afghan community leaders to provide the appropriate support including mental health provision, English language lessons, co-ordinating school places for children, help registering with a GP and enabling access to our libraries and leisure centres.

3. Council assembly thanks

- a) All the voluntary and community organisations and residents who have offered their support and donated time, money and energy to make refugees welcome. This includes Panjshir Aid, Community Southwark, the Southwark Day Centre for Asylum Seekers and Refugees, Little Village, the Red Cross, the Southwark Refugees and Communities forum and many more.
- b) Our local Members of Parliament - Neil Coyle, Harriet Harman and Helen Hayes and their staff for all their work to support Afghan refugees and their families.

4. Council assembly calls on the British Government to:

- a) Provide greater clarity to Afghan refugees about their future in the UK and resolve delays in the process to match Afghan families with accommodation identified by local authorities. People are stuck in hotels - including here in Southwark - with no idea how long they will be there or a say over their future.
- b) Provide adequate resources to local authorities to support refugees in the short and the long term. This must include finalising the funding for the wraparound support in bridging hotels, and ensuring that local authorities are paid for supporting all bridging hotel residents, including British nationals.
- c) Provide British nationals with resettlement support aligned with ARAP and ACRS, and address concerns around homelessness

applications.

- d) Ensure that boroughs are consulted on the processes involved in standing down bridging hotels.
 - e) Work with local authorities to achieve a more equitable asylum system and end the hostile environment.
 - f) Keep UK borders open to receive asylum seekers from Afghanistan and not deport any undocumented Afghans in accordance with the United Nations High Commissioner for Refugees (UNHCR) non-return advisory. Immediately expand eligibility for family reunion enabling family members who have relatives in the UK to travel safely to join them and quickly decide all asylum claims from Afghans who have arrived in the UK independently, including reviewing previously refused claims.
 - g) Abandon their damaging plans to introduce a two tier refugee system under the Nationality and Borders Bill. The government should treat each arrival in the UK based on their needs not how they got here and provide proper support to people in need of sanctuary. The UK must adhere to Article 31 of the Refugee Convention that prohibits penalties being imposed on Refugees who enter or are present in a country without authorisation.
5. Council assembly calls on the cabinet to:
- a) Continue to support refugees and asylum seekers in Southwark.
 - b) Call on the government to provide the resources required and to provide clarity on the status of and future of the resettlement scheme.
 - c) Continue to work with London Councils to coordinate support and ensure that councils across London as well as the UK are all playing an equal part in responding to this international emergency.

Continue to work with local organisations and community leaders to support refugees in our Borough and respond to their needs.

Refusing Unsafe Building Developers

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

- 1. Council assembly notes:
 - a) The significant financial and health impacts of the building safety

crisis on thousands of Londoners.

- b) Although changes are being touted, support from central government for properties with dangerous cladding has to date been wholly insufficient to deal with the building safety crisis.
- c) That the UK Government must do more to protect leaseholders in the building safety crisis and must ensure remediation work is completed as soon as possible on all affected properties.

2. Council Assembly acknowledges that:

- a) The council has been lobbying for building safety reforms and an end to the cladding scandal for a number of years, including lobbying for increased funding for retrofitting social housing to comply with fire and building safety legislation in the 2021 Spending Review.
- b) The council is the largest landlord of high rise blocks in England with 170 residential buildings of 18m or higher. The safety of our residents is our absolute priority and a Building Safety programme is being implemented with a learning and discovery pilot taking place at Andoversford Court in Peckham.
- c) The council is working closely with the Department for Levelling Up, Housing and Communities and the London Fire Brigade to ensure that private landlords remove aluminium composite material (ACM) cladding from their blocks. We are also using our powers to serve enforcement notices on building owners where remediation actions are not taken.
- d) The council have been working closely with the Salmon Youth Centre in Bermondsey, supporting them in their successful application to the Building Safety Fund to remove cladding and acknowledges the support of the Leader of the Council in contacting the Secretary of State on their behalf.

3. Council Assembly also acknowledges that:

- a) Southwark, like the rest of London, is facing a housing crisis, with 16,000 households in the borough on our waiting list, including 3,200 who are homeless and living in temporary accommodation.
- b) We are reliant on the social housing sector and housing associations to deliver the homes our residents need.
- c) Whilst action is needed urgently on building safety, it is wrong to pit the interests of people who are in urgent need of new homes against the needs of leaseholders who are facing unfair costs of building safety work. Both of these groups need solutions which can ultimately, only be

provided by central government, including greater funding.

4. Council Assembly therefore resolves to:
 - a) Continue to work with London Councils and the GLA to put pressure on government to do more to protect leaseholders, to ensure that they do not bear the cost of the building safety works and to provide funding to ensure that remediation works can be completed as soon as possible.
 - b) Actively engage with our local MPs to push for amendments to the Building Safety Bill to protect leaseholders from additional costs and to establish a new public works agency to oversee cladding remediation.
 - c) Continue to support leaseholders in Southwark who are affected by the building safety crisis, including carrying out enforcement of landlords not complying with the removal of cladding.

Youth Democracy

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. Council assembly notes:
 - a) Young people aged 16-24 are the age group that is least likely to vote in elections, as demonstrated by the turnout of 47% amongst 18-24 year olds compared to 74% amongst the over 65s at the 2019 general election.
 - b) Despite these low election turnout figures, young people today are often leading the fight on the important political issues of our times, such as the climate school strikes and the Black Lives Matter movement.
 - c) The Elections Bill 2021 includes provision for the requirement of photographic ID at polling stations, which is likely to act as a form of voter suppression, particularly amongst groups who are already the least likely to vote.
2. Council assembly welcomes the fact that:
 - a) In July 2021, Southwark Council created the Southwark Youth Parliament, which is for young people aged 14 to 19. Two candidates from each Southwark school and two candidates from ten community areas were successfully elected, along with Southwark's first-ever Youth Leader and Deputy Youth Leader.
 - b) The Welsh government has successfully lowered the voting age to

16 in Wales via the Local Government and Elections (Wales) Act 2021. This meant 16 and 17 year olds in Wales were able to participate in the recent Senedd and local council elections in May 2021.

3. Council assembly believes:
 - a) Young people's participation in politics is essential to our democracy.
 - b) More needs to be done to support young people to engage in politics on a local and national scale.

4. Council assembly calls on the cabinet to:
 - a) Continue to support the good work of Southwark's Youth Parliament.
 - b) Put in place measures to make voter registration easy and accessible for all Southwark residents ahead of any future elections, in an effort to increase voter turnout.

5. Council assembly calls on the government to:
 - a) Support legislation that would lower the voting age to 16 across the UK, as is already the case in Scotland and Wales.
 - b) Support the provision of high quality Citizenship education in all schools, including appropriate training for teachers and discreet curriculum time.
 - c) Abandon the flawed Elections Bill, which will act to deter voter turnout through the introduction of ID requirements at polling stations.

Support for Borough, Bankside and the Wider Area

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. Council assembly notes that:
 - a) Southwark is home to some of the UK's most significant cultural and historical locations in Bankside, Borough and North Bermondsey.
 - b) The area's history goes back to the earliest days of London, with Anglo-Saxon and Roman settlements. It has historic links with the lives and works of Chaucer, Shakespeare, and Dickens. This rich

historic heritage continues with Shakespeare's Globe and the remains of the Rose Theatre.

- c) The area is still a cultural hub for London. In 2019, the Tate Modern was the second most visited attraction in England with six million visitors.

2. Council assembly identifies that:

- a) The Covid-19 pandemic has affected the area and its businesses. In October 2020, Better Bankside Business Improvement District said that footfall was about half what the area experiences for that time of year.
- b) There is a need to continue to support the area and its businesses recover from the pandemic. Continuing to promote the area's heritage and associated tourism will play a part in any such revival.
- c) Throughout the Covid-19 pandemic the council has provided a large amount of support for business across the borough. In Borough and Bankside, 428 business were supported to the value of £3.64 million.
- d) We must continue to protect and celebrate its historic cultural heritage.
- e) There are a number of heritage protections in place for Bankside. In addition to the listed buildings and scheduled Monuments, we also have the Borough High Street Conservation Area and the Thames Policy Area.
- f) Southwark Council's Culture and Events team has directly invested over £13.3million in our cultural and heritage offer since 2010, in addition the sector has received funding from several non-culture specific grant programmes.
- g) The council has been able to open the Southwark Heritage Centre and Walworth Library at a time that other local authorities are reducing their commitment to funding heritage projects.
- h) Southwark Council takes its role as the custodian of the historic environment very seriously. Southwark has stated its vision is to preserve, conserve, celebrate and enhance Southwark's unique, but also fragile and irreplaceable historic environment. The Heritage Supplementary Planning Document (SPD) plays a vital part in designing a heritage strategy for Southwark that identifies what people value about their heritage and how it plays an active role in community life. The council welcomes proposals from the local

community for locally listed buildings, in line with the criteria set out in the Heritage SPD.

- i) Southwark is a rich ecological resource with its parks and open spaces home to various species of birds, fish, mammals, wildflowers and invertebrates. The New Southwark Plan introduces 21 new Sites of Importance for Nature Conservation (SINCs) to protect the future ecological diversity of Southwark.
- j) The council has supported cultural institutions within that area including bringing the Africa centre to Southwark, which the council has given assistance in growing the centre from their HQ building to include arches on the Low Line; supporting the Central School of Ballet; and are collaborating with community groups to deliver a new permanent LGBTQ+ centre at Bankside.

3. Council assembly calls on cabinet to:

- a) Launch and deliver a cultural recovery plan ensuring that Southwark continues to be a borough for cultural excellence; collect, conserve and celebrate our local history for future generations and enable all of our diverse communities to have access to cultural opportunities while protecting, preserving and growing our cultural venues, spaces and provision.
- b) Continue to support business and cultural institutions in Borough and Bankside and across the whole of Southwark. The council must continue to champion the role heritage plays in Southwark's cultural life while reaffirming that it is the basis of Southwark's distinct character and allure.
- c) Continue to acknowledge the great benefit in the many diverse voices through musical, literary and artistic creative events that are delivered through cultural groups, open spaces, libraries, heritage centres, museums, theatres, galleries and venues across Southwark.
- d) Continue the Council's work in supporting heritage and culture with the understanding that history, and how people interpret the value of historic places, looks very different depending upon who you are and where you are looking.
- e) Continue to amplify the many different voices that contribute to making Southwark so special, including social, communal, cultural, economic, spiritual, political, activist, artistic, and literary experiences and these reflect personal matters of belief, gender, sexuality, race, ethnicity, age, mobility. All have equally important histories that must be preserved, recorded and protected.

Centenary Celebrations for Ada and Alfred Salter

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. Council assembly notes:
 - a) 2022 marks the centenary of Ada Salter becoming Mayor and Dr Alfred Salter being elected MP. The Salters were a legendary and much loved couple, who became famous locally and nationally.
 - b) Ada left a well off home in the Midlands to do social work amongst the city slums. Alfred gave up a brilliant medical career to become a local doctor. Together they dedicated their lives to the people of Bermondsey and Rotherhithe.
 - c) Their pioneering work on the environment, housing and public health was transformational. Ada's Beautification Committee planted 9,000 trees and filled public spaces with flowers, playgrounds, music and sport. She designed model council housing and supported women factory workers. Alfred promoted free medical treatment, a solarium, a convalescent home for mothers, and health education by cinema vans on the streets. As Quakers, they both campaigned tirelessly for peace.
 - d) The Salters' key issues – environment, housing and public health – are even more crucial today, as we face a climate crisis, worldwide homelessness and a global pandemic.
2. Council assembly welcomes the fact that:
 - a) Community activists have set up a Salter Centenary Project to celebrate the Salters' vision and continue their inspiring legacy.
 - b) Dame Judi Dench has become their patron, giving her support as a fellow Quaker and enthusiastic environmentalist.
 - c) The project will create and support events and activities in the spirit of Ada and Alfred, so their principles are carried forward into the future.
3. Council assembly calls on the cabinet to:
 - a) Celebrate the inspiration of Ada and Alfred Salter in their centenary year by providing resources, for instance to organise a Salter exhibition from the local studies archives.
 - b) Support the Salter Centenary Project in its community activities,

- such as environmental plans for greening the area.
- c) Invite civic representatives and residents from Ada's home town of Raunds to join the centenary celebrations.

Transport for London funding

That the motion referred from council assembly as a recommendation to cabinet, set out below be agreed.

1. This Council Assembly is appalled by the Government's lack of concern for the future funding of London's transport system. With less than three weeks to go before the emergency deal with Transport for London (TfL) expires on 11 December 2021, there is still no certainty on long-term funding.
2. Council assembly believes that:
 - a. This continued uncertainty poses a grave threat to Londoners' jobs, livelihoods and health; the delivery of new homes; and efforts to address the climate emergency. Not only is the capital struggling to emerge from the Covid-19 pandemic both socially and economically but TfL itself has lost valuable traveller revenue which undercuts its business model.
 - b. The alternative to guaranteed funding would be drastic cuts in public transport services, such as:
 - i. An 18% cut in bus services leading to a withdrawal of 100 routes and less frequent services on 200 more;
 - ii. A 9% cut in underground services – resulting in reduced maintenance and the scrapping of the Bakerloo Line extension;
 - iii. Stopping the introduction of new electric buses;
 - iv. Cutting funding to local road improvements – including no more cycle lanes and 20mph zones, and the closure of Rotherhithe Tunnel;
 - v. And a consequent increase in bus and tube fares.
 - c. The effect of these cuts would cause widespread disruption and gridlock across the capital, unfairly punishing millions of Londoners, and would put both London's and the national economic recovery at risk. Without urgent Government investment to plug a £1.9 billion funding gap there will be a resultant 'managed decline' in services creating a 'vicious circle' of under-investment and service cuts resulting in an infrequent and unreliable transport system.
3. London's public transport system desperately needs a proper funding settlement from the Government. It is vital to the national recovery from

Covid-19, and it is vital to creating a sustainable, green future. London's commuters and key workers deserve a world-class public transport system - not drastic cuts and fare hikes.

4. This Council Assembly therefore calls upon the Leader and the Cabinet to liaise with the Mayor for London, the GLA and London Councils to lobby the Government to guarantee the future funding settlement for TfL.

EXCLUSION OF PRESS AND PUBLIC

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

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

31. LEDBURY ESTATE TOWERS - FUTURE REDEVELOPMENT UPDATE

The cabinet considered the closed information relating to this item. Please see item 19 for the decision.

32. BARNWELL HOUSE, ST GILES ROAD, CAMBERWELL, LONDON SE5 7RP - DISPOSAL OF FREEHOLD INTEREST

This item was deferred.

33. VARIATION OF DEVELOPMENT PARTNERSHIP AGREEMENT

This item was deferred.

The meeting ended at 1.25pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 15 DECEMBER 2021.

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: 18 January 2022	Meeting Name: Cabinet
Report title:		Housing Revenue Account – Final Rent-Setting and Budget Report 2022-23	
Ward(s) or groups affected:		All	
Cabinet Members:		Councillor Rebecca Lury, Finance, Performance and Democracy Councillor Stephanie Cryan, Council Homes and Homelessness	

FOREWORD – COUNCILLOR REBECCA LURY, CABINET MEMBER FOR FINANCE, PERFORMANCE AND DEMOCRACY AND COUNCILLOR STEPHANIE CRYAN, CABINET MEMBER FOR CONCIL HOMES AND HOMELESSNESS

We are committed to ensuring the council's 55,000 rented, leasehold and freehold homes are well maintained and managed. The money we use to do this sits within our Housing Revenue Account (HRA). Tenants and homeowners pay their rents and service charges into the HRA and this money is then used to fund all the activity needed to ensure our homes and estates are well run and in good condition.

As this money comes from our tenants and homeowners we are committed to consulting them on how it is spent so it is always used in ways that best meet their needs and improve their homes. This year we have consulted with residents online through the Consultation Hub and held an online meeting on 13 January. The results of these consultations are set out in Appendix F of this report.

This report sets out a final budget for next year's HRA and also considers what the appropriate charges should be for a variety of housing services. Whilst this year sees the second year of rent increases following four years of forced reductions under the National Rent Reduction of the Welfare Reform and Work Act 2016, the council is continuing to claw back an estimated £62.5m cumulative reduction in the annual HRA budget, all while our financial planning has been hit further by the impact of the Covid-19 pandemic. SSWark's rents will still remain the 8th lowest in London and the proposed rent increase for the 2022-23 financial year is 4.1%.

As well as managing our existing homes, the council also uses the HRA to build new council homes at council rents as part of our commitment to build 11,000 new council homes. The HRA is also used to invest in building and fire safety works, repairs and major works and to upgrade and carbonise our district heating networks.

As in all years the call on the HRA is enormous but we have been able to set a balanced budget and we recommend this for approval.

RECOMMENDATIONS

1. Cabinet agrees a rent increase of 4.1% for all directly and tenant managed (TMO) housing stock within the HRA (including estate voids, sheltered housing and any residual hostels) with effect from 4 April 2022. This is the maximum permitted under the Rent Standard 2020.
2. With regard to other HRA-wide charges, cabinet agrees that tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry maintenance be increased as set out in paragraphs 26 to 28 with effect from 4 April 2022.
3. Cabinet agrees the proposed changes to sheltered housing service charges as set out in paragraphs 29 and 30 with effect from 4 April 2022.
4. Cabinet agrees the changes to charges for garages and other non-residential facilities as set out in paragraphs 31 and 32 with effect from 4 April 2022.
5. Cabinet agrees the changes to district heating and hot water charges as set out in paragraphs 33 to 39 with effect from 4 April 2022.
6. Cabinet agrees to establish a pilot project to explore ways in which additional pandemic-driven support may be provided as set out in paragraphs 45 and 46.
7. Cabinet agrees the HRA budget proposals set out in this report and notes these changes ensure a balanced budget is set as required by statute.
8. Cabinet reaffirms the commitments made last month to ensure that savings made are primarily based on efficiencies, and where staffing reductions form part of any said savings, that due consultation and process is followed with trade unions.

BACKGROUND INFORMATION

Indicative HRA rent-setting and budget 2022-23 (7 December 2021 cabinet report)

9. Cabinet on 7 December 2021 considered the indicative HRA rent-setting and budget position for 2022-23. This report contained all of the background information necessary to consider the reasons behind the proposals for rents and other charges. Where further and updated information has been received that is germane to this process it is included below. The appendices to the report have also been updated as necessary and set out the detail behind the various categories of year-on-year budget movement. Any resolutions or comments arising from the consultation process are included within Appendix F.
10. The purpose of this final report is to seek formal approval of the recommendations in respect of rents and other charges outlined at paragraphs 1 to 7 above.

Statutory framework

11. The HRA reflects the statutory requirement under Section 74 of the Local Government and Housing Act 1989 to account separately for local authority housing provision. It is a ring-fenced account, containing solely the costs arising from the provision and management of the council's housing stock, offset by tenant rents and service charges, homeowner service charges and other income. The HRA forms a specific part of the council's accounts separate from the council's general fund. The council is obliged by statute to agree a balanced HRA budget, whereby income and expenditure levels for the forthcoming year match. Appendix A summarises budget movements between 2021-22 and 2022-23, predicated on the basis of a rent increase of 4.1% and other proposed changes to charges and budget movements.

KEY ISSUES FOR CONSIDERATION

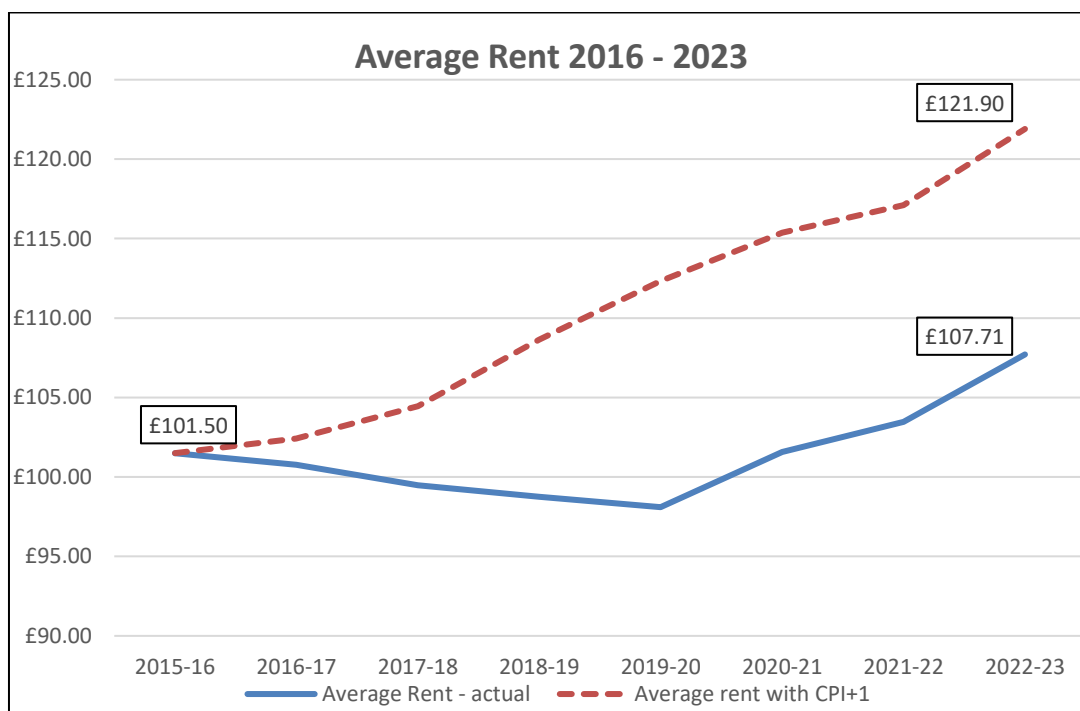
Dwelling rents

12. Cabinet will recall that 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 the former Ministry for Housing, Communities and Local Government issued a rent policy statement affirming that rent increase levels would revert to September CPI+1% increases for five years post-2020. Simultaneously they extended the remit of the Regulator for Social Housing to cover the local authority sector, and directed the Regulator to issue a new Rent Standard to reflect those extended responsibilities. Under the Rent Standard the maximum rent increase for 2022-23 is set at 4.1% (being September 2021 CPI +1%). The 7 December 2021 report indicated that this is the level of rent increase likely to be adopted by the council.
13. 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 and rank 8th lowest of the 29 London Boroughs with retained housing stock.
14. In terms of rent levels for 2022-23, the table below sets out the current average rent by bed-size and the average rent after the proposed increase (using the actual/projected mid-year stock figure as appropriate).

Bedrooms	Average weekly rent 2021-22	Average weekly rent 2022-23	Increase per week
0	£81.63	£84.98	£3.35
1	£93.63	£97.47	£3.84
2	£103.45	£107.69	£4.24
3	£113.16	£117.80	£4.64
4	£122.29	£127.30	£5.01
5	£134.12	£139.62	£5.50
6+	£147.86	£153.92	£6.06
Overall	£103.47	£107.71	£4.24

Note: figures for 2021-22 are based on the mid-year stock position to ensure greater accuracy.

15. The chart below shows actual average rents for Southwark since the introduction of national rent reductions under the Welfare Reform and Work Act 2016. Over four years, rents were reduced by 1% each year, before reverting to the current government guideline increase of CPI + 1%. The dotted line shows what the average rent would have been had CPI+1% been applicable throughout. It can be seen that inflation in 2020-21 returned average rents roughly to the point they were at when the reduction process commenced four years earlier, a time-lag that remains to the present day – the proposed increase for 2022-23 still only brings average rents back to the level that they would otherwise have been in 2018-19. The gap in 2022-23 between the two lines is the equivalent of £14.19 per week on average.



HRA budget framework and issues

16. 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 28 days in advance of the rent increase becoming effective.
17. The budget framework for next year remains substantially the same as in previous years with the focus being on finding further savings through efficiencies and directing greater resources (both new and existing), to areas of highest priority in order to support and enhance the provision of housing services to residents. The worst effects of the pandemic are hopefully behind us from a budgetary standpoint, and whilst there is still uncertainty, service provision is largely back on track and staff are working hard to recover lost ground in terms of repairs and capital works projects that stalled during the pandemic. Income recovery procedures that were suspended to assist residents during this challenging period, have now resumed but not unexpectedly, arrears have been adversely impacted. However, the position is showing improvement and the expectation remains that this trend will continue but will take time to normalise to pre-pandemic levels. Similarly, for HRA commercial properties and garages which saw a downturn in lettings activity, but are showing signs of recovery but are not expected to provide any real income growth for 2022-23, other than increased charge rates for garages. Consequently, it is again anticipated that budget provisions set-aside for bad debts will be fully utilised in-year thereby minimising any scope to off-set pressures elsewhere within the HRA.
18. One of the most enduring budget pressures is the repair and maintenance of the housing stock, which consumes the greatest proportion of operational resources, requiring stringent management of high value/high volume contract budgets. The successful implementation of the housing repairs improvement plan is key to improving the performance and financial viability of the Southwark Repairs service going forward and further resources of £1m are being committed as part of this budget round, negating any savings previously assumed through performance and productivity gains which are being deferred to 2023-24. In addition, further resources of £1.4m are being earmarked within Asset Management for district heating, disrepair and leaks from above.
19. The onerous responsibilities conferred by the Building Safety Bill and Fire Safety Act 2021 on local authorities and private sector landlords represents a seismic endeavour and requires significant financial commitment given the unique size and nature of the council's housing stock. Southwark has 170 in-scope high-rise buildings (the highest number in the country) which are the immediate priority, along with a significant number of buildings that require further surveys, but which are considered to be of low or moderate risk outside the scope of the legislation. Notwithstanding the critical importance of these new duties to augment residents' safety, they create a substantial additional financial pressure on already constrained resources, particularly capital, both for the initial surveying programme, but moreover the cost of remediation works arising,

which is an unknown, but potentially significant. For 2022-23 new revenue and capital funding commitments totalling £7.1m are included in the budget proposals to address these needs.

20. In light of these new pressures, the council is currently undertaking a wholesale review of its asset management strategy to subsume these new requirements into its business planning, which is likely to be at the expense of other less-essential programmes over the medium-term. As previously reported, capital resources are under extreme pressure and borrowing to support the QHIP and New Homes programmes continues to rise at an unprecedented rate with a consequent revenue financing impact on the HRA, which cannot be sustained over the long-term. 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 constrained to CPI+1%, the reality is that resources will never fully match the needs of the housing stock. This is particularly true for both the HRA and the housing investment programme (HIP), and requires the prioritisation and re-profiling of works programmes in order to achieve best value and ensure long-term financial sustainability.

Budget movement schedules

21. Further detail on the composition of the HRA budget movements by category: budget pressures and commitments, income generation, and efficiency savings is contained in the appendices to this report.

Summary of Movements		Gross Exp.	Gross Inc.	Net Exp.
		£'000	£'000	£'000
2021-22 Revised Budget		274,405	-274,405	-
Commitments	App. C	14,023	-	14,023
Income generation	App. D	-	-12,869	-12,869
Efficiency savings	App. E	-1,154	-	-1,154
2022-23 Base Budget		287,274	-287,274	-

22. As the summary table above sets out, the HRA budget for 2022-23 is predicated on a number of known and anticipated budget pressures/commitments and assumptions around demand/activity changes totalling £14.0m and a rent increase at September 2021 CPI+1% (4.1%) which raises £5.4m net. Other income streams and capitalisation contribute a further £7.5m and budget efficiencies and rationalisation measures delivers £1.1m. These proposals are sufficient to deliver a balanced budget for 2022-23 as required by statute. Appendices A to E refer.

HRA financing and reserves

23. 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 feasible; borrowing will increase exponentially as the building and fire safety, heat network, high-needs estates and new homes programmes ramp-up. Whilst the relaxation of local authority borrowing controls is welcome and market interest rates are currently 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).
24. 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.
25. 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 2021 stood at £28.3m, up from £23.0m 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 74% is 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

26. Tenant service charges 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.

27. 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 subject to annual rebasing and the existing and proposed rates are set out below. Crucially they remain eligible for welfare benefit support.
28. The existing and proposed rates for tenant service charges are set out below.

Tenant service charges	2021-22	2022-23	Change
	£ per week	£ per week	£ per week
Estate Cleaning	6.13	6.32	19p
Grounds Maintenance	1.42	1.45	3p
Communal Lighting	1.46	1.81	35p
Door Entry	0.66	0.71	5p
Total	9.67	10.29	62p

Sheltered housing service charges

29. 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 had largely remained unaltered over the period, charge rates had not kept pace with costs. Following a rebasing exercise during 2020-21, charge rates were proposed to increase markedly to fully reflect the cost of provision. However, in order to mitigate potential hardship for clients, cabinet resolved to cap the charge for 2021-22 at £33.20 per week (as opposed to £34.69 per week).
30. The cap was also partly intended to retain a phasing element of the move towards full cost recovery, and last year's cabinet reports indicated that its impact in terms of the likely level for 2022-23 would result in a weekly charge of £35.38. Updated inflationary pressures on these costs means that the actual recommended amount is slightly less than this original figure, at £34.75. Service charges like rents are eligible for welfare benefits and currently around 80% 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.

Garage and non-residential charges

31. Garage are a valuable asset within the HRA and provide an income stream that helps maintain service provision. 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.

32. 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 3.1%; and by 5% for private sector renters. The resultant charges are set out in the table below.

Garage charges	2021-22 £ per week	2022-23 £ per week	Increase (%)	Change £ per week
Standard charge	21.75	22.40	2.99%	0.65
Concessionary rate (£5 reduction)	16.75	17.40	3.88%	0.65
Small sites rate	11.50	12.00	4.35%	0.50
Private sector rate	37.30	39.20	5.09%	1.90
Additional charges:				
Larger than average garage	5.40	5.60	3.70%	0.20
Additional parking	5.40	5.60	3.70%	0.20
Water supply	0.50	0.50	–	–
Additional security	1.00	1.00	–	–

N.B. the private sector charge is inclusive of VAT at the standard rate

District heating charges

33. 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 contract was renewed in September 2020 to cover the period to March 2025. 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.
34. 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. In terms of future developments, cabinet agreed a wide-ranging report on the heat networks strategy and associated statutory requirements on 14 September 2021. Officers will come back during 2022 with worked-up proposals around implementation, including billing implications.
35. Review 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, adverse 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.

36. 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.
37. The Laser framework means that council requirements for gas and electricity are pooled with around 100 or so other local authorities, police etc. which enables them to access the wholesale markets directly. They can purchase energy requirements up to four years in advance at any time, so this helps smooth any sudden spikes in the market. Having said that, this is of course an unprecedented time in the energy markets and so price rises are inevitable with the wholesale market rising significantly this year. Housing estates are currently paying around 1.8ppkWh plus standing charges, whereas the wholesale market currently sits at around 6ppkWh, with residential customers being offered around 8ppkWh by suppliers.
38. The majority of gas on Southwark estates (around 70%) is used between October and March, meaning any April price increases will be for the summer portion of gas. This gives us some certainty with regard to the in-year costs for the remainder of 2021-22. The expectation is that the market will settle down again before next winter's buying period, and Laser will continue to monitor the markets and purchase at strategic points to ensure the best possible value. It should be stressed, that even with price volatility, the consortium continues to ensure that the council pays an extremely attractive price for the energy supplies under this contract and we are not as exposed as other consumers to the adverse market conditions. The proposed 2022-23 increase is intended to manage short-term exposure to the exceptional market volatility currently being experienced with a capped increase in district heating charges to match the rent increase at 4.1%. This should allow time for markets to stabilise, but clearly there can be no guarantee and in the event that costs remain above the budgeted income level, then the heating account reserve will be used to mitigate the short-term impact, and further consideration of charge rates may be necessary during 2022-23.
39. The Office of Gas and Energy Markets (Ofgem) is currently consulting on the potential impact of increased wholesale price volatility on their default tariff cap, and the increase proposed by the council is mindful of this on-going process. Ofgem have had the legal power to design and enforce the cap since 2018, but recognise that current circumstances demand reconsideration as to how it

reflects the costs, risks and uncertainties that energy suppliers face. The cap has already been increased by c.12% earlier this year (August 2021, effective from October).

	Bedrooms	2021-22 £ per week	2022-23 £ per week
Central Heating and Hot Water	0	8.61	8.96
	1	12.09	12.59
	2	14.97	15.58
	3	17.92	18.65
	4+	19.34	20.13
Weatherfoil Heating and Hot Water	0	7.25	7.55
	1	10.40	10.83
	2	12.99	13.52
	3	15.54	16.18
	4+	16.85	17.54
Weatherfoil Heating only	0	5.47	5.69
	1	6.78	7.06
	2	8.17	8.50
	3	9.53	9.92
	4+	10.89	11.34
Central Heating only	0	6.73	7.01
	1	8.46	8.81
	2	10.15	10.57
	4+	12.70	13.22
Hot Water only	1	2.30	2.39
	2	4.85	5.05
	3	6.00	6.25
LRB Heating	0	5.84	6.08
	1	8.71	9.07
	2	9.43	9.82
	3	10.18	10.60
Partial Heating	0	4.58	4.77
	1	5.62	5.85
Underfloor Heating	0	6.87	7.15
	1	7.62	7.93
	2	8.38	8.72
	3	9.13	9.50

Consultation and notification

40. 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 commenced with the agreement of the indicative HRA rent-setting and budget report by cabinet in December 2021, which set out the budget, implications for rents and proposed changes to other charges in order that this information could enter the public domain before Christmas.
41. In December Cabinet instructed officers to follow due consultation processes with residents, and to that end a borough-wide joint meeting of tenants and homeowners was arranged for Thursday 13 January 2022. This process is broadly similar to that adopted in previous years; however given the rapidity of change occasioned by the pandemic and evolving central government instructions on the matter of public gatherings it is not likely to be held face-to-face, but remotely in tandem with the Consultation Hub. Consultation outcomes will be reported as Appendix F, which given the timescales involved is to be circulated at the cabinet on Tuesday 18 January 2022 and published retrospectively.

Community, equalities (including socio-economic) and health impacts

Community impact statement

42. 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. Analysis has established there is no differential effect for any community or protected group. From 2020-21 the intention of central government is that rents should increase by up to CPI+1% under the provisions of the Rent Standard 2020. 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.
43. The wider impact of welfare reform changes has 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). For 2021-22 the allocation was £1.15m. The provision of further support is subject to annual confirmation from central government, but is expected to be of the same order and to provide support for tenants affected by the “bedroom tax” and “benefit cap” for example.
44. There are existing financial support streams, including the existing hardship fund, the newer and more substantial vulnerable renters fund (£1.1m), and the recently announced household support fund (£2.7m) that will provide exceptional support this winter in recognition of the unprecedented impacts of the pandemic. The former will provide extra help for vulnerable individuals at risk of losing their home. The latter will help vulnerable, low-income households with the cost of food, fuel, and other essentials this winter (November 2021 –

March 2022). The council has decided that help for low-income households affected by the end of the universal credit uplift and changes to the statutory energy price cap will be a priority. Eligible households will be identified from benefit data held by the council, or by referral from community partners. Additional support will be provided for families of children attending Southwark schools and receiving free school meals.

45. The council established a residents' working party during 2021 in order to examine the effects of the pandemic on (amongst other things) rent arrears and benefits take-up. The review has made draft recommendations aimed at supporting and enhancing the current approach, and the council is now considering the most effective means of implementation. To commence that process, the council wishes to develop proposals around a new service linking specialist advice to tenancy sustainment (including income maximisation and debt advice). The relevant recommendation of the working party is reproduced below:

“Recommendation 19: The unique nature of COVID debt requires new approaches to managing it. The Council should be innovative when dealing with the most vulnerable problem debtors with negative budgets – possibly through an expanded or enhanced Hardship Scheme. The Council should test new approaches, starting with small-scale pilots. Access to enhanced support would require willingness on the part of a debtor to engage with advice and agreement of a sustainable repayment plan.”

46. The initial costs of these proposals will be funded from within HRA reserves, and a more detailed way forward will form part of future submissions for Cabinet's consideration.

Equalities (including socio-economic) impact statement

47. 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.
48. 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.

Health impact statement

49. The council is committed as part of the Fairer Futures – Homes for All theme, to maintaining the highest standards so that all our homes are clean, safe and cared for. Proposals within this budget contribute directly to continuing our long-

term homebuilding programme and also investing in and improving our estates, which will contribute to providing health benefits for Southwark residents.

50. There is an established link between financial concerns being a driver/cause of poor mental health. The council recognises this issue, and strives to support tenants and homeowners by retaining and encouraging a focus on tenancy sustainability. Housing officers provide practical advice and help to tenants, whilst the statutory rent letter mail-out, amongst other communications, normally contains additional advice on benefits. During the pandemic, the council also suspended interventionist policies with regard to arrears recovery and eviction procedures in order to recognise the additional pressures both financially and mentally that the situation had placed on Southwark's residents.

Climate change implications

51. At its meeting of 7 July 2021 cabinet adopted Southwark's formal climate change strategy, and for a number of years the council has been committed to achieving carbon neutrality by 2030. The budget reports under consideration in December and today are principally concerned with the financing and delivery of the council's responsibilities as a social landlord, so it is not proposed to reproduce the entire strategy here. However, Section E of the Action Plan on ***Priority 1 – Greener Buildings*** within the strategy relates directly to the council's dwelling stock, and a link to that report is provided below.
52. In addition, the report on the heat networks strategy in September 2021 also spoke extensively to this area, both in terms of the anticipated reduction in carbon emissions that the new network would facilitate, and with regard to additional thermal energy efficiency measures to ameliorate potential upward charging pressures. Issues around heat metering, charging pressures and associated new statutory requirements formed part of this report, which is also linked below.

Statutory and contractual notifications

53. Subsequent to the approval of this final report on 18 January, either as set out or as amended by cabinet, and the passing of the necessary date for its implementation, the council will issue a statutory and contractual notification of variation in rents and other charges to all tenants, not less than 28 days prior to the commencement of the new rents and charges referred to above.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

54. The report sets out a Final Budget for the Housing Revenue Account (HRA) for 2022-23. Members are invited to approve:
- A rent increase for existing directly managed and TMO managed tenancies

- An increase made in tenant service charges
 - An increase made in charges for garages and other non-residential facilities
 - An increase made to charges for sheltered housing service charges
 - An increase in district heating and hot water charges; and
 - The HRA budget proposals in the report.
55. This is a key decision in accordance with the council's constitution.
56. The financial and budgetary considerations underpinning officer recommendations are explained in the body of the report and its annexes.

Policy and Legislative Context

57. The Local Government and Housing Act 1989 ("the 1989 Act") sets out legal requirements the council must comply with in relation to housing finance. In particular, Section 74 of the 1989 Act places a duty on the council to maintain a Housing Revenue Account ("HRA"). Under Section 76 of the 1989 Act the council has a duty to budget to prevent a debit balance on the HRA, and to implement and review the budget.
58. Section 76 of the 1989 Act includes a requirement for the Council in the January or February preceding the relevant year to formulate proposals relating to its houses and property regarding:
- (a) income from rents and other charges; and
 - (b) the expenditure on repairs, maintenance, supervision and management of its houses.
59. Section 21 of the Housing Act 1985 ("the 1985 Act") provides the Council with powers for the general management, regulation and control of its dwelling stock. Section 24 ("the 1985 Act") makes provision for the council to "*make such reasonable charges as [it] may determine for the tenancy or occupation of [its] houses*" with the requirement from time to time, to review rents and make such changes as circumstances may require. In exercising its power under this section, the Council is required to have regard in particular to any relevant standards provided under section 194 of the Housing and Regeneration Act 2008 requiring it to comply with specified rules about levels of rent (and the rules may, in particular, include provision for minimum or maximum levels of rent or levels of increase or decrease of rent).
60. The provisions of the 1985 Act conferring discretion as to rents and charges made to occupiers within the scope of the HRA has also been subject to restrictions arising from the provisions of the Welfare Reform and Work Act 2016 ('the 2016 Act').

61. The 2016 Act, and Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations required the council to reduce rents year on year (with limited exceptions). During the financial years beginning in April 2016, 2017, 2018 and 2019, the rents payable had to be at least 1% less than the rent payable in the preceding year.
62. For social rent properties, the rent reduction requirement applied to the rent element of the charge under the tenancy agreement and not to charges made for services.
63. The period of enforced rent reductions came to an end on 31 March 2020 and from April 2020 local authorities have been able to increase rents again.
64. From 1 April 2020 the council is obliged to set rents in accordance with the Rent Standard 2020 ("the 2020 Standard") issued by the Regulator of Social Housing on the direction of the Secretary of State for Housing, Communities and Local Government using powers granted by the Housing and Regeneration Act 2008 Section 197.
65. The 2020 Standard allows the council to 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 to social and affordable rents for existing tenants, to fair rents and for tenants moving between different types of rent.
66. The council must comply with the rules contained in the 2020 Rent 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

67. Rent and other charges are excluded from the statutory definition of matters of housing management in respect of which local authorities are required to consult their tenants pursuant to Section 105 of the Housing Act 1985 for secure tenants and Sections 137 of the Housing Act 1996 for introductory tenants.
68. As a term of the tenancy agreement with its tenants however, Southwark Council has undertaken to consult with the Tenant and Homeowner Forum before seeking to change rent and other charges. The report confirms that representative groups have been consulted in order to comply with this term.
69. The council is required, by:
 - (a) Section 103 of the Housing Act 1985 in relation to its secure tenancies and;
 - (b) Section 111A of the Housing Act 1985 in respect of its introductory tenancies and;
 - (c) The council's agreement with its tenants

to notify tenants of variations of rent and other charges, by service of a notice of variation, at least 28 days before the variation takes effect. The requirement to serve a preliminary notice on tenants affords an opportunity for tenants to comment on what is proposed.

Equalities (including socio-economic) impact

70. In making a decision the cabinet must have due regard to community, equalities (including socio-economic) and health impacts of the decision and the council's equalities duties set out in the Equalities Act 2010 and specifically the need to:
- Eliminate discrimination, harassment, victimisation or other prohibited conduct.
 - Advance quality of opportunity between persons who share a relevant protected characteristic and those who do not. The protected characteristics covered by the equality duty are age, disability, gender reassignment, pregnancy and maternity, race, religion, sex and sexual orientation. The duty also includes marriage and civil partnerships in respect of eliminating unlawful discrimination.
 - Foster good relationships between those who share relevant characteristics and those who do not.
71. The report includes a community impact statement which sets out consideration given to the equality duties in the Equality Act.

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
HRA Indicative Rent-Setting and Budget 2022-23 Link (copy and paste into browser): https://moderngov.southwark.gov.uk/document/s/s103398/Report%20HRA%20Indicative%20Budget%202022-23.pdf	160 Tooley Street London SE1 2QH	Paula Thornton Constitutional Team
Climate Change Strategy Link (copy and paste into browser): https://moderngov.southwark.gov.uk/document/s/s99897/Report%20Climate%20Change%20Strategy.pdf	as above	as above

Background Papers	Held At	Contact
Heat Networks Strategy Link (copy and paste into browser): https://modern.gov.southwark.gov.uk/documents/s101251/Report%20Heat%20networks%20strategy.pdf	as above	as above

APPENDICES

No.	Title
Appendix A	Summary of HRA Budget Movements 2022-23
Appendix B	HRA Summary Revised Budget 2021-22 and Base Budget 2022-23
Appendix C	HRA Budget Pressures and Commitments 2022-23
Appendix D	HRA Income Generation 2022-23
Appendix E	HRA Efficiencies and Improved Use of Resources 2022-23
Appendix F	Results of Consultation (to follow)

AUDIT TRAIL

Cabinet Members	Councillor Rebecca Lury, Finance, Performance and Democracy Councillor Stephanie Cryan, Council Homes and Homelessness	
Lead Officers	Duncan Whitfield, Strategic Director of Finance and Governance Michael Scorer, Strategic Director of Housing and Modernisation	
Report Author	Ian Young, Acting Director of Finance and Departmental Finance Manager, Housing and Modernisation	
Version	Final	
Dated	6 January 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	N/a	N/a
Date final report sent to Constitutional Team		6 January 2022

APPENDIX A – SUMMARY OF HRA BUDGET MOVEMENTS 2022-23

	Detailed list	HRA Budget movement £000
Inflation		2,844
Service commitments		11,179
Budget pressures and commitments	Appendix C	14,023
Increase in rental income		(5,374)
Tenant service charges		(837)
Sheltered housing service charges		(54)
District heating charges		(457)
Fees, charges and third party income		(30)
Garage and non-residential charges		(222)
Homeowner service charges		(965)
Capitalisation of building survey charges		(4,930)
Income generation	Appendix D	(12,869)
Efficiency savings		(1,154)
Efficiency savings and improved use of resources	Appendix E	(1,154)
HRA budget gap		0

APPENDIX B – HRA SUMMARY REVISED BUDGET 2021-22 AND BASE BUDGET 2022-23

	2021-22 Revised budget £m	2022-23 Base budget £m
Employees	40.4	44.0
Operational running costs	36.5	37.1
Estate cleaning and grounds maintenance	18.2	18.2
Repairs and maintenance	50.5	59.2
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	30.6	30.6
Tenant management organisations (TMOs)	7.0	7.0
HRA Expenditure	274.4	287.3
Dwelling rents	(196.7)	(202.1)
Non-dwelling rents	(5.8)	(6.0)
Heating and hot water charges	(8.8)	(9.3)
Tenant service charges	(15.7)	(16.5)
Homeowners - major works	(11.0)	(11.0)
Homeowners - service charges	(21.3)	(22.3)
Interest on balances	(0.7)	(0.7)
Commercial property rents	(8.3)	(8.3)
Fees, charges and third party income	(2.8)	(2.9)
Recharges and capitalisation	(3.3)	(8.2)
HRA Income	(274.4)	(287.3)
HRA Total	0.0	0.0

APPENDIX C – HRA BUDGET PRESSURES AND COMMITMENTS 2022-23

Division	Reference	Cabinet Member	Description	2022-23	Comments
				£000	
All Services	HRA150	Cllr Stephanie Cryan	General inflation provision	2,844	Annual inflation provision to meet price increases across a broad range of budget heads, including employees, operational running costs/energy usage and works contracts comprising repairs and maintenance, mechanical and electrical engineering and heating
Asset Management	HRA151	Cllr Stephanie Cryan	Building Safety - new dedicated building safety team (recruitment phased over two years)	1,278	Building Safety - estimated staffing requirement is 35 posts + 2 PMO posts - recruitment to be phased over two years
Asset Management	HRA152	Cllr Stephanie Cryan	Building Safety - surveying and intrusive safety investigation and safety cases (in-scope building programme phased over two years)	4,930	Estimated cost of surveying is £58k per block x 170 blocks = £9.86m to be undertaken by 31 March 2024. One-off cost over two years, then falls out in Year 3. Surveys are estimated to take up to sixteen weeks. Additional blocks deemed as 'high risk' (69) will be addressed through the mainstream capital works programme
Asset Management	HRA153	Cllr Stephanie Cryan	Building Safety - additional compliance works arising from building safety surveys	500	Increase in compliance budget to cover additional costs arising from building safety inspections
Asset Management	HRA154	Cllr Stephanie Cryan	Disrepair - additional legal and compensation costs to deal with historic claims and increased volume	1,000	Based on existing demand pressure, including impact of Habitation Act and targeting of residents by compensation claims firms. Increasing numbers of claims is a nationwide position
Asset Management	HRA155	Cllr Stephanie Cryan	New district heating team (recruitment phased over two years)	350	District heating team structure to deliver works programme (interim for one year then bulk of team to be capitalised as works programme commences)
Asset Management	HRA156	Cllr Stephanie Cryan	Southwark Building - impact of new Terms and Conditions	400	Estimated cost of transitioning to new T&C's for works labour force (tbc). Currently being assessed using actual cost information
Asset Management	HRA157	Cllr Stephanie Cryan	Southwark Building - disrepair	600	Estimated cost for additional contractors to deliver disrepair works that fall within the remit of Southwark Building

APPENDIX D – HRA INCOME GENERATION 2022-23

Division	Reference	Cabinet Member	Description	2022-23	Comments
				£000	
Resident Services	HRA121	Cllr Stephanie Cryan	Sheltered Housing Service Charges	(54)	Annual rebasing of sheltered housing service charges to reflect current/anticipated cost of providing enhanced housing management support to residents - second tranche of staged implementation (2021-22 to 2022-23)
Exchequer Services	HRA122	Cllr Stephanie Cryan	Garage Rents and Non-Residential Charges	(222)	Detrimental impact of Covid on lettings and hence rental stream - gradual recovery in activity expected to continue throughout 2022-23 to pre-Covid level. Increase in charges of 3.1% in line with September CPI, will generate income growth over existing budget
Exchequer Services	HRA123	Cllr Stephanie Cryan	Homeowner Revenue Service Charges	(965)	Annual rebasing of rechargeable income budget to reflect current/anticipated volumes and activity to ensure full cost recovery from homeowners under the terms of their lease
All Services	HRA124	Cllr Stephanie Cryan	Miscellaneous Mandatory and Discretionary Fees and Charges	(30)	Annual review of miscellaneous mandatory and discretionary fees and charges for services in line with Council's MTRS
Central Services	HRA126	Cllr Stephanie Cryan	Tenant Rents	(5,374)	Guideline rent increase @ September 2021 CPI (3.1% +1%), including stock/void movements and full-year impact of closure of shared hostel accommodation arising from Covid
Central Services	HRA127	Cllr Stephanie Cryan	Tenant Service Charges	(837)	Annual rebasing of charges to reflect estimated uplift in contract costs to ensure full cost recovery from service users, including allowance for impact of energy price rises
Central Services	HRA128	Cllr Stephanie Cryan	District Heating and Hot Water Charges	(457)	Increase in charges capped in line with rents in lieu of on-going assessment of energy market price volatility
Asset Management	HRA129	Cllr Stephanie Cryan	Capitalisation of building safety surveys	(4,930)	Immediate revenue costs of surveys funded from investment programme
				(12,869)	

APPENDIX E – HRA EFFICIENCIES AND IMPROVED USE OF RESOURCES 2022-23

Division	Reference	Cabinet Member	Description	2022-23	Comments
				£000	
Resident Services	HRA101	Cllr Stephanie Cryan	Special Investigations Team - reduction of one vacant post from existing team of ten	(45)	No service impact
Resident Services	HRA102	Cllr Stephanie Cryan	Great Estates Programme Pilot due to end in May 2022. Residual works to be subsumed into mainstream estate management	(979)	Residual works to be subsumed into mainstream estate management
Resident Services	HRA103	Cllr Stephanie Cryan	Hostels - removal of operational running cost budgets for decommissioned hostels designated for provision of new homes	(100)	No service impact as shared hostel accommodation closed and residents re-housed
Customer Experience	HRA108	Cllr Rebecca Lury	MSHO Service - close Market Place	(30)	Will need to continue to provide face to face service and potentially increase contact centre staff and complaints team to manage additional calls and complaints
				(1,154)	

Item No. 11.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Admission arrangements for community primary schools - September 2023	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People and Education	

FOREWORD – COUNCILLOR JASMINE ALI, DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE AND EDUCATION

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

The Admissions Code requires all admission authorities to consult when proposing to change their admission arrangements. The current arrangements have worked well to support the admissions process and provide access to places. However in Southwark, across London and beyond, the supply of primary places is exceeding demand. This demographic shift has multiple causes: a decline in the birth rate, the impact of welfare reform on young families, changes in the housing market, the uncertainties of Brexit and more recently the current global pandemic. This has without question had a detrimental effect on individual schools and has an impact across our entire school estate.

An over-supply of places at a school can and indeed has led to financial and organisational problems which are difficult to manage. Action to reduce excess places can help school leaders to plan for and manage their schools. As agreed in principle by Cabinet in 2021 officers have consulted with school leaders to reduce the published admission number at schools with an over-supply of places.

Following full consultation with school leaders and stakeholders, I can now announce that agreement has been reached with schools to request an adjustment to reduce the published admissions number (PAN) from September 2022 through an in-year variation request to the Office of the Schools Adjudicator (OSA) the decision is expected in the first few weeks of this year. The schools are Ilderton, Dog Kennel Hill, Cobourg Community primary schools and English Martyrs RC primary school. A statutory admissions consultation to reduce the PANs of these, three community schools has also been followed as a safeguard, pending the outcome of the OSA decision. A summary of responses to this consultation is provided at Appendix 4 of this report.

I am in agreement with council officers and local schools as articulated through our recent consultation with schools. According to our projections, this will help to manage school capacity and support the above-named schools to better organise their finances for the incoming academic year and beyond.

RECOMMENDATIONS

1. That Cabinet agrees the Southwark Community Primary Schools Admission Arrangements (“the Arrangements”) for September 2023 onwards as set out in Appendix 1 of this report.
2. That Cabinet agrees the Published Admissions Numbers (PANs) for primary community schools for September 2023 onwards as set out in Appendix 2 of this report.

BACKGROUND INFORMATION

3. Southwark Council (“the Council”) is the admission authority for community primary schools within Southwark and must determine the admission arrangements for those schools by 28 February each year, for application in the following academic year.
4. The School Admissions Code 2021 (“the Code”), which applies to all maintained schools, academies and free schools came into force on 1 September 2021. When determining admission arrangements, admission authorities are required to act in accordance with all mandatory provisions contained in the Code.
5. Admission arrangements must also adhere to the requirements of the School Standards and Framework Act 1998 (“the SSFA 1998”), the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (as amended) (“the Regulations”) and the School Admissions (Infant Class Sizes) (England) Regulations 2012.
6. At the Cabinet meeting on 19 March 2013, the Leader of the Council delegated authority to the cabinet member for children’s services to agree the admission arrangements for community primary schools for 2015 admissions and onwards where there were no changes made from the previous year. This report is being brought to Cabinet for agreement as there are proposed changes to the Published Admission Number (PAN) at three community primary schools as set out in paragraph 19 of this report.
7. The Regulations and paragraph 1.45 of the Code require all admission authorities to consult when proposing to change their admission arrangements. A full consultation in respect of September 2023 admission arrangements for Southwark community primary schools was carried out

this year between 12 November 2021 and 14 January 2022. One response was received by 6 January 2022 confirming agreement to each of the proposals set out in the consultation document. A summary of this and, any further responses received by the closing date, 14 January 2022 are provided in Appendix 4 of this report.

8. All admissions authorities must as a minimum consult on their admissions arrangements at least once every seven years, even if there are no changes to their existing arrangements. Consultation on admission arrangements must run for a period of at least six weeks and be completed by 31 January in the year preceding the year the change is to be effected (i.e. 31 January 2022 for September 2023 admissions). The Council has written to all admission authorities in Southwark with a reminder of this for their school.
9. Admission Arrangements for September 2023 admissions, must be determined by 28 February 2022.
10. Full details of the Admission Arrangements for 2023, along with those of all other own admission authorities in the borough, will be included in the Starting Primary booklet for September 2023. Many families will use this booklet as a main source of information when selecting a primary school and will be able to download the booklet from the school admissions web page or view a hard copy upon request.
11. The full admission arrangements, including supplementary information forms and any proposed changes for all Southwark admission authorities consulting on their September 2023 arrangements have been checked by officers to ensure compliance with the Code. Formal written comments were provided in respect of any issues of non-compliance or, where a proposed change could adversely impact on the community or be amended to improve clarity. All comments provided must be considered before determination of arrangements. Any serious breach of compliance is able to be referred to the Office of the Schools' Adjudicator by the local authority or other key stakeholders if not remedied through discussion with the admission authority directly.
12. A list of the published admission numbers for all Southwark primary schools for the September 2023 intake is attached at Appendix 2.
13. Should any changes to either 2022 or 2023 determined admission arrangements be required by an admission authority in Southwark, this would now be subject to a request for an in year variation to the Office of the Schools Adjudicator.

KEY ISSUES FOR CONSIDERATION

14. The annual Place Planning Report to Cabinet presented in October 2021 confirmed a trend of falling rolls in the borough which is continuing. There is currently an oversupply of approximately 5,000 primary school places in

the borough, 630 of these are in Reception year which equates to almost 18% of Reception capacity, currently vacant. In order to operate within the recommended level of surplus capacity for Reception of 5-10%, the current vacancies would need to reduce from its current level of 630 to approximately, 280 spare places.

15. School funding is linked to pupil numbers – fewer children equals less funding and contribute towards schools moving into a deficit budget. Education officers are currently consulting and working with school leaders to address this situation. One of the agreed measures is to take steps to 'right-size' capacity, this enables schools to reorganize resources towards the smaller intake and, provides greater stability.
16. Consultation has taken place during the autumn term with Headteachers and Governors of schools where rolls have been falling consistently over recent years to consider reducing the PAN. It should be noted that a PAN reduction would only apply to the Reception year of a school.
17. Agreement has been reached to seek an in-year variation to reduce the PAN for 2022 at Ilderton, Dog Kennel Hill and Cobourg - none of these schools have been able to admit more than 30 children into the Reception year in the last two to three years, the reduced PAN will support each school with their current, re-organisation/future proofing plans. This in-year variation process will be managed by officers separately in a request to the Schools Adjudicator. If agreed, the PAN reduction will take place from 2022 onwards. However, if the request is not upheld for any reason, the PAN would have to remain at its current level for September 2022. The PAN at these schools would then reduce from September 2023 when the agreement from this report is able to be implemented.
18. This report is seeking to reduce the admission number at three schools as set out in para 17.
19. The full list of proposed PAN reductions (Reception year) for community schools from 2023 is set out in table 1 below:

Table 1. Proposed PAN reductions for community primary schools - September 2023

School	Planning Area	Current PAN	Proposed PAN	Reduction
Ilderton*	2	60	30	30
Dog Kennel Hill*	4	60	30	30
Cobourg*	1	60	30	30
		180	90	90

** PAN reduction request to these schools for 2022 is underway separately.*

20. Officers are also supporting English Martyrs' Primary School (planning area 1) to reduce its PAN which will assist in the Council's overall aim to right size capacity across the borough, English Martyrs' has been included within the Council's in-year variation request to the Schools Adjudicator

alongside the community schools mentioned at paragraph 17 the Governing Body of English Martyrs school is requesting to reduce its PAN from 60 to 30 Reception places from September 2022. Should the in-year variation request be refused by the Schools Adjudicator, the school has also carried out its own separate consultation to reduce its PAN by 30 places from September 2023.

21. These proposals will achieve a reduction of 120 places across Southwark's primary school places capacity in total (90 community school places and 30 RC, voluntary aided school places). The remaining, 510 vacant reception places across all planning areas is above the recommended 280 vacancy level this would need to be addressed through other, wider measures to manage surplus capacity.

Policy framework implications

22. The refresh of the Borough Plan for 2018-22 was approved by the Council Assembly in November 2020 and presents a set of commitments, which will help the Council deliver the vision of "A Fairer Future for All". It is a requirement that reports to Cabinet now explicitly refer to the Borough Plan and how the report and or the actions outlined will help deliver key aspects of the plan. The school admissions process supports families to secure access school places in line with theme 6 – 'A great start in life'.

Community impact statement

Community, equalities (including socio-economic) and health impacts

23. The 2023 Arrangements, together with the Council's participation in the coordinated admissions scheme for primary admissions is designed to produce fair and equitable access to school places for all children. Allocation of places is delivered through strict application of admissions and oversubscription criteria of each school in Southwark through a central (pan-London) computerised system.
24. Support is provided to families that find it difficult to navigate the admissions system through our school admission officers, school staff and the Southwark Information, Advice and Support (SIAS) Team. This involves a significant amount of training, outreach support and drop in sessions for families throughout the year, all of which have been conducted virtually since the start of the pandemic. SIAS officers also provide support to specific EAL communities with the use of interpreters as well as parents / parents of children, who may have a protected characteristic under the Equality Act 2010. In addition, Southwark residents also have direct access to one to one telephone or video call support from the school admissions team during the application stage of the admissions process – this is on request and through referrals from schools and other agencies.

25. The Public Sector Equality Duty, at section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The Council's Approach to Equality ("the approach") commits the Council to ensuring that equality is an integral part of our day to day business.
26. "Protected characteristics" are the grounds upon which discrimination is unlawful - the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues for consideration. Managing the capacity of primary provision to meet demand have the potential to advance equality of opportunity, and foster good relations between people with protected characteristics and those with none.
27. Comprehensive, Equality impact assessments (EQIA) to this service were carried out prior to confirming admission arrangements for September 2019 and September 2022 (links to each EQIA are included as documents 5 and 6 in the background papers of this report). No negative impacts were identified for these admission arrangements, no mitigating actions were required, and no equality objectives derived generally or from the specific proposals in those years. These EQIAs have been assessed by officers as remaining relevant to this current admissions report.
28. We have had due regard in preparing the arrangements and will have due regard when carrying out the proposed activities, for the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. Provision of new school places and fair and equitable admissions policies:
 - a) "advances the cause of the elimination of discrimination" by removing potential discrimination based on the protected characteristics
 - b) "advances equality of opportunity" by ensuring that all groups, irrespective of background, have equal access to school places
 - c) "fosters good relations" by implementing a demonstrably fair and equitable policy for school admissions across the borough for people with protected characteristics and those without.

Health Impact Statement

29. There are no specific identified health impacts resulting from any of the proposals or recommendations, so a health impact statement is not necessary for this report.

Climate change implications

30. Following the council assembly meeting on the 14 July 2021, the council has now committed to considering the climate change implications of any decisions made.
31. As the numbers of pupils in the authority area falls, and the numbers of pupils attending particular schools reduce, then it is likely that less pupils will be travelling to schools, thereby potentially reducing travel (and carbon emissions) overall, and, where utilised, car use. There will be a negligible effect on the other categories outlined - enhancing the environment and green space, green jobs and businesses, sustainable energy and reducing waste, as these are not substantively addressed or required in this report.
32. No direct measures have been taken to reduce or enhance the impact on climate change as part of this school admissions report, as no substantive negative effects have been identified. Additionally as no direct measures have been taken to reduce or enhance the impact on climate change as part of this admissions process, no monitoring will be required. As explained above, the falling numbers of pupils is likely, if anything, to have a net positive effect on climate change, as fewer pupils attend school and are therefore transported by car or other forms of transport. Reducing the number of school places will not directly enhance the environment and green space, nor will it create "green" jobs and businesses, or benefit sustainable energy or reduce waste, albeit that less pupils in a particular school could potentially use less energy and produce less waste.
33. There are no substantive negative effects anticipated as a result of the recommendations and proposals.

Resource implications

34. None

Legal implications

35. Please see the concurrent from the Director of Law and Governance.

Financial implications

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

Consultation

37. A full consultation on 2023 school admission arrangements for Southwark community primary schools was carried out in accordance with the requirements set out in the School Admissions Code, 2021 between 12th November and 14th January 2022. Responses from the consultation are summarised in Appendix 4 of this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS



Director of Law and Governance

38. The recommendations in this report are included in the matters reserved to full Cabinet in Part 3C of the Council's Constitution.
39. Cabinet is advised that school admission arrangements are governed by the SSFA 1998, together with the Regulations and Code, as stated within the body of the report. Cabinet is advised that the proposed Arrangements for 2022 comply with the applicable law.
40. Cabinet is asked to note that the Council is not required to consult on proposed admission arrangements so long as they remain unchanged, for the period of up to 7 years from the last consultation. A full consultation in respect of September 2023 admission arrangements for Southwark community primary schools was carried out this year.
41. Cabinet is reminded of the public sector equality duty under section 149 Equality Act 2010 when making this decision. This requires that, due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. In particular the Cabinet Member will note the adjustments in place to enable full access to support and information for all communities in Southwark, outlined in the Community Impact Statement. That Statement also makes clear that whilst an equality impact assessment has been carried out in relation to the proposed changes, no negative impacts on people with a particular protected characteristic have been identified.

Strategic Director of Finance and Governance – CAS21/22

42. This report seeks approval from Cabinet to the Southwark Community Primary Schools Admission Arrangements for September 2023 as set out in Appendix 1 of the report. Paragraph 36 confirms that the costs associated with the admissions process are met from the Dedicated Schools Grant, and that there is no direct financial implication on the council's revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
1. The School Standards and Framework Act 1998	Legislation Services Team at The National Archives, Kew, Richmond Surrey TW9 4DU	Glenn Garcia 020 7525 2717
http://www.legislation.gov.uk/ukpga/1998/31/contents		
2. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012	Legislation Services Team at The National Archives, Kew, Richmond Surrey TW9 4DU	Glenn Garcia 020 7525 2717
http://www.legislation.gov.uk/ukpga/1998/31/contents		
3. The School Admissions Code 2021	Department for Education	Glenn Garcia 020 7525 2717
https://www.gov.uk/government/publications/school-admissions-code--2		
4. Equality Impact Assessment for September 2019, community primary school admission arrangements.	Education Access & Statutory Services files:	Glenn Garcia 020 7525 2717
Link (please copy and paste into browser): C:\Users\DWalsh\AppData\Local\Microsoft\Local\Microsoft\Windows\NetCache\Content.Outlook\BCE2H9F1\Southwark Council's Admissions consultation 2023 10.11.21.docx		
 Equality analysis-community p		
5. Equality Impact Assessment for September 2022, community primary school admissions arrangements.	Education Access & Statutory Services files:	Glenn Garcia 020 7525 2717
 Equality analysis-community p		

APPENDICES

No.	Title
Appendix 1	Southwark Community Primary Schools Admission Arrangements - September 2023
Appendix 2	Southwark Primary Schools – Published Admission Number for September 2023 intake
Appendix 3	Southwark Secondary Schools – Published Admission Number for September 2023 intake
Appendix 4 (to follow)	Summary of responses to Southwark Council's Admissions consultation 2023-24

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People and Education	
Lead Officer	David Quirke-Thornton, Strategic Director of Children's and Adults Services	
Report Author	Glenn Garcia, Assistant Director, Education Access and Statutory Services, Children's and Adults' Services	
Version	Final	
Dated	6 January 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	Officer Title	Comments Sought
	Director of Law and Governance	Yes
	Strategic Director of Finance and Governance	Yes
	Cabinet Member	Yes
	Date final report sent to Constitutional Team	6 January 2022

Item No. 12.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Southwark coordinated admission schemes for primary, junior, secondary and year 10 2023	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People and Education	

FOREWORD – COUNCILLOR JASMINE ALI, DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE AND EDUCATION

This report sets out the proposed Pan London coordinated admission schemes for primary, junior and secondary schools in Southwark for 2021 admissions. These schemes must be agreed by the Cabinet Member for Children, Young People and Education for implementation from September 2022 when the admissions application process commences for the September 2023 intake.

The council has a statutory duty to coordinate admissions for Southwark residents on behalf of all maintained schools and academies in the borough. Arrangements for coordination, includes the timetable to be followed and confirms how local authorities will work together to ensure application information is received, processed and transferred between the authorities, the applicant and the schools.

There have been changes to the schemes from the previous year and a full consultation has taken place. In a welcome move to make the admissions process more parent friendly, officers have offered a date with which we will get back to parents who have applied late for their child’s school place. Making the process much clearer for parents who for one reason or another had applied late. A full consultation in respect of Southwark’s admission arrangements for September 2023 was carried out between 12 November and 14 January 2022, a summary of responses to the consultation is provided at Appendix 5 of this report.

All of the details for agreed schemes for 2023 are now set out in this report. I would like to thank the Education Admissions team for their report and propose that Cabinet agree the coordinated admissions schemes as set out in the attached report.

RECOMMENDATIONS

1. That Cabinet agrees the 2023/24 coordinated admission schemes for Primary (Reception), Junior (Year 3), Secondary (Year 7) and 14-19 UTC transfer (Year 10) admissions attached as Appendix 1, Appendix 2, Appendix 3 and Appendix 4 of this report.

BACKGROUND INFORMATION

2. The coordination of admission arrangements must adhere to the requirements of the School Standards and Framework Act 1998, The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (as amended) and the School Admissions Code 2014. These arrangements apply to admission authorities of all maintained schools and non-maintained state funded schools.
3. At the Cabinet meeting on 19 March 2013, the Leader of the Council delegated authority to the cabinet member for children's services to agree the Secondary and Primary Admissions Schemes for 2015 admissions and onwards where there were no changes made from the previous year. These reports are being presented to Cabinet this year as there are proposed changes made to the coordinated admission schemes for 2023.
4. The Council is the admissions authority for Southwark community primary schools only and also has a statutory responsibility for coordinating school admission applications on behalf of all Southwark residents applying for a place at a primary, junior, secondary and 14-19 UTC transfer at a maintained school/non maintained state funded school in England. This includes admissions at normal points of entry, e.g. to primary reception year including Year 3 transfer and secondary Year 7 including 14-19 UTC year 10 transfer. Arrangements for these coordinated admissions are negotiated and agreed across all 33 London local authorities to form a pan-London admissions scheme.
5. Coordination provides families with a single point of application to schools where up to six preferences may be made on a common application form. The Council is also responsible for confirming a single school offer to each child on offer date, which, for the September 2023 intake, is 1 March 2023 for Secondary including 14-19 UTC transfer and 17 April 2023 for Reception and Junior applications. The exception to this coordinated admissions process would be applications to any new free schools currently being established for September 2023 which are not able to be included in the coordinated admissions process which will begin in September 2022.
6. There are currently no new free schools due to open within Southwark for 2023. Should any new free schools with an opening date of September 2023 be subsequently confirmed, it will be expected to operate a separate application process alongside the Council's co-ordinated primary and

secondary admission schemes. This will enable families to submit an expression of interest directly to the schools in addition to listing up to six preferences via Southwark's Primary (Reception) and Secondary (Year 7) coordinated admission schemes. The Council would then work collaboratively with the free school after national offer day to contact families to determine a single school place i.e. (the offer through co-ordination or at the new school). This method worked successfully for Haberdashers' Aske's Borough Academy which opened in September 2019 and is the most recent free school to open in the borough.

7. Local authorities and all other own admission authorities, must determine their final admission arrangements and coordinated admission schemes (Primary - Reception, Junior, Secondary - Year 7 and 14-19 UTC transfer) by 28 February 2022 for September 2023 admissions and notify the Secretary of State if a coordinated scheme has been secured also by this date.
8. There is a proposed change to the council's coordinated admission schemes (Primary - Reception, Junior, Secondary - Year 7 and 14-19 UTC transfer - Year 10) for September 2023 which is the inclusion of a timetable for managing offers following late applications and additional preferences made after national offer date. The proposed changes will provide families with a clear timetable to support this process and will also improve back office efficiency. In addition to the proposed change, the dates have been changed throughout to reflect the 2023 academic year.
9. A full consultation in respect of Southwark's co-ordinated admission schemes for Primary (Reception), Junior, Secondary (Year 7) and 14-19 UTC transfer (Year 10) for September 2023 was carried out this year between 12 November and 14 January 2022. A copy of the consultation is included in the background papers section of this report. One response was received by 6th January 2022 confirming agreement to each of the proposals set out in the consultation document, a summary of this and, any further responses received by the closing date, 14th January 2022 is provided in Appendix 5 of this report.

KEY ISSUES FOR CONSIDERATION

10. The School Admissions Code 2021 sets out requirements for local authorities to provide a system to enable the efficient admission of pupils to schools at normal point of entry (Reception, Year 3, Year 7 and Year 10). A co-ordinated admissions scheme for 2023 admissions must be in place with details of how this will operate within each local authority.
11. Co-ordinated admissions schemes must enable parents in a home local authority to apply to any school in England. The co-ordinated admission schemes must set out how information will be received, processed and transferred between the local authority, the applicants, the schools and neighbouring boroughs for Primary (Reception), Junior, Secondary (Year 7) and 14-19 UTC transfer (Year 10). Any offer of a school place must be

made by the home local authority.

12. Coordinated admission schemes provide a fair and efficient school admissions process whilst almost entirely eliminating the risk of multiple offers being made to individual families.
13. Local authorities across London developed the key principles, including a mix of mandatory and optional clauses for each coordinated scheme to be considered and implemented by each individual local authority. Coordinated admission schemes for Primary (Reception), Junior, Secondary (Year 7) and 14-19 UTC transfer (Year 10) which meet the PAN London requirements are attached respectively as appendices 1, 2, 3 and 4 of this report.

Policy framework implications

14. The refresh of the Borough Plan for 2018-22 was approved by the Council Assembly in November 2020 and presents a set of commitments, which will help the Council deliver the vision of "A Fairer Future for All". It is a requirement that reports to Cabinet now explicitly refer to the Borough Plan and how the report and or the actions outlined will help deliver key aspects of the plan. The school admissions process supports families to secure access to school places in line with theme 6 – 'A great start in life'.

Community impact statement

Community, equalities (including socio-economic) and health impacts

15. The coordinated admissions process is designed to produce fair and equitable access to school places for all children. Allocation of places is delivered through the strict application of admissions and oversubscription criteria of each school through a central PAN London computer. All admission authorities must also implement clear admission arrangements that achieve equity and fair access for all pupils in line with the School Admissions Code 2021.
16. Support is provided to families that find it difficult to navigate the admissions system through our school admission officers, school staff and the Southwark Information, Advice and Support (SIAS) Team. This involves a significant amount of training, outreach support and drop in sessions for families throughout the year, all of which have been conducted virtually since the start of the pandemic. SIAS officers also provide support to specific EAL communities with the use of interpreters as well as parents / parents of children, who may have a protected characteristic under the Equality Act 2010. In addition, Southwark residents also have direct access to one to one telephone or video call support from the school admissions team during the application stage of the admissions process – this is on request and through referrals from schools and other agencies.

17. For families without access to a computer or internet at home, Southwark libraries and one stop shops also offered free internet usage. The online application system enables a streamlined service to be delivered so officers are able to provide high quality direct assistance to families and advise on the admissions process in person, therefore improving the service as a whole and in particular for those families who may have difficulty navigating the admissions system.
18. The Public Sector Equality Duty, at section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation 4 to their own employees. It requires public bodies to have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The Council’s Approach to Equality (“the approach”) commits the Council to ensuring that equality is an integral part of our day to day business.
19. “Protected characteristics” are the grounds upon which discrimination is unlawful - the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues for consideration. Managing the post offer admissions process with the use of a timetable has the potential to advance equality of opportunity, and foster good relations between people with protected characteristics and those with none.
20. Comprehensive Equality impact assessments relating to the admissions service have been carried out recently, no negative impacts of the new co-ordinated admissions schemes have been identified, so no mitigating actions are required, and no equality objectives will derive from these specific proposals.
21. Officers have had due regard in preparing the co-ordinated admissions schemes and will have due regard when carrying out the proposed activities, for the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The inclusion of a post offer admissions timetable and fair and equitable co-ordinated admissions schemes:
 - a) “advances the cause of the elimination of discrimination” by removing potential discrimination based on the protected characteristics
 - b) “advances equality of opportunity” by ensuring that all groups, irrespective of background, have equal access to school places
 - c) “fosters good relations” by implementing a demonstrably fair and

equitable policy for the co-ordination of admissions across the borough for people with protected characteristics and those without.

Health Impact Statement

22. There are no specific identified health impacts resulting from any of the proposals or recommendations, so a health impact statement is not necessary for this report.

Climate change implications

23. Following the council assembly meeting on the 14 July 2021, the council has now committed to considering the climate change implications of any decisions made.
24. No direct measures have been taken to reduce or enhance the impact on climate change as part of this school admissions report, as no substantive negative effects have been identified. Additionally as no direct measures have been taken to reduce or enhance the impact on climate change as part of this admissions process, no monitoring will be required.
25. There are no substantive negative effects anticipated as a result of the recommendations and proposals.

Resource implications

26. None

Legal implications

27. Please see the concurrent from the Director of Law and Governance.

Financial implications

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

Consultation

29. A full consultation in respect of Southwark's co-ordinated admission schemes for Primary (Reception), Junior, Secondary (Year 7) and 14-19 UTC transfer (Year 10) for September 2023 was carried out this year between 12 November and 14 January 2022. Responses from the consultation are summarised in Appendix 5 of this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS


Director of Law and Governance

30. The recommendations in this report are included in the matters reserved to full Cabinet in Part 3C of the Council's Constitution.
31. Cabinet is advised that the legal framework surrounding the admissions scheme is set out in the School Standards and Framework Act 1998, the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (as amended) and the School Admissions Code 2021, as stated within the body of the report. Cabinet is advised that the proposed admissions schemes for 2023 comply with the applicable law.
32. Cabinet is asked to note that the Council is not required to consult on proposed admission arrangements so long as they remain unchanged, for the period of up to 7 years from the last consultation. A full consultation in respect of Southwark's co-ordinated admission schemes for Primary (Reception), Junior, Secondary (Year 7) and 14-19 UTC transfer (Year 10) for September 2023 was carried out this year.
33. Cabinet is reminded of the public sector equality duty under section 149 Equality Act 2010 when making this decision. This requires that, due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. In particular Cabinet will note the adjustments in place to enable full access to support and information for all communities in Southwark, outlined in the Community Impact Statement. That Statement also makes clear that whilst an equality impact assessment has been carried out in relation to the proposed changes, no negative impacts on people with a particular protected characteristic have been identified.

Strategic Director of Finance and Governance – CAS21/22

34. This report seeks approval from Cabinet to the Primary (Reception), Junior, Secondary (Year 7) and 14-19 UTC transfer (Year 10) co-ordinated admission schemes for 2023 admissions attached as appendix 1, appendix 2, appendix 3 and appendix 4 of this report. Paragraph 28 confirms that the costs associated with the admissions process are met from the Dedicated Schools Grant, and that there is no direct financial implication on the council's revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The School Standards and Framework Act 1998	Legislation Services Team at The National Archives, Kew, Richmond Surrey TW9 4DU	Glenn Garcia 020 7525 2717
Link: http://www.legislation.gov.uk/ukpga/1998/31/contents		
The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012 (England)	Legislation Services Team at The National Archives, Kew, Richmond Surrey TW9 4DU	Glenn Garcia 020 7525 2717
Link: http://www.legislation.gov.uk/ukpga/1998/31/contents		
The School Admissions Code 2021	Department for Education	Glenn Garcia 020 7525 2717
 Southwark Council's admissions consultati		

APPENDICES

No.	Title
Appendix 1	Southwark coordinated admissions scheme - Reception 2023-24
Appendix 2	Southwark coordinated admissions scheme - Junior 2023-24
Appendix 3	Southwark coordinated admissions scheme - Year 7 2023-24
Appendix 4	Southwark coordinated admissions scheme - Year 10 2023-24
Appendix 5 (to follow)	Summary of responses to Southwark Council's admissions consultation 2023/24

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People and Education	
Lead Officer	David Quirke-Thornton, Strategic Director of Children's and Adults Services	
Report Author	Glenn Garcia, Assistant Director, Education Access and Statutory Services, Children's and Adults' Services	
Version	Final	
Dated	6 January 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		6 January 2022

Item No. 13.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Gateway 2 – Contract Award Approval Community Re-ablement Provision	
Ward(s) or groups affected:		All wards	
Cabinet Member:		Councillor Evelyn Akoto, Health and Wellbeing	

FOREWORD – COUNCILLOR EVELYN AKOTO, CABINET MEMBER FOR HEALTH AND WELLBEING

Reablement is a valued service that supports members of our community to regain their independence by learning or re-learn the skills necessary to be able to engage in domestic and/or social activities. The service described in this report is community-based service and provided to people in their own homes.

Officers have implemented the procurement strategy agreed by Cabinet and therefore I am pleased to note that not only does this report recommend the award of a contract but also confirms the creation of nine new posts, known as Occupational Therapist Assistants (OTAs), employed by the council. The planned collaboration between the OTAs within the Intermediate Care Service and the recommended new care provider will improve outcomes for our residents. Additionally, it should be noted that the creation of the OTA posts will address the shortage of occupational therapy (OT) roles, and support the council in recruiting and retaining Occupational Therapists (OTs) by taking a 'grow your own approach' by establishing a career pathway from OTA to OT.

Officers from across the Children's and Adults' Services department evaluated the tenders to ensure that the council identified a provider that can deliver against the specification, work with the Intermediate Care Service and comply with Southwark's Ethical Care Charter.

The successful provider will pay staff the London Living Wage, in accordance with our Ethical Care Charter.

The successful provider has committed to recruiting local staff and in particular recruiting at least five staff from long-term unemployed backgrounds, with at least one being reserved for a person aged between 18 and 25 and/or a care leaver, as well as at least 10 each year during the first three years of the contract. This commitment will have a positive health impact for those individuals. Other aspects of social value in the bid by the successful provider relate to supporting our Tackling Climate Change Strategy, which includes

participation in the 'Cycle to Work' scheme and using renewable energy suppliers and energy efficient lighting as well as completing an environmental impact assessment of their offices so that they can identify other opportunities for introducing green initiatives.

I am pleased that this contract will not commence until June 2022, when the winter pressures have concluded. This means that when the handover between the outgoing and incoming provider commences, all parties including social care can ensure that the transition is as smooth as possible for those that use the service and the workforce that provides the service.

RECOMMENDATIONS

1. That cabinet approves the award of a contract for Community Re-ablement Provision to MiHomecare Limited to deliver an estimated 1,400 hours per week for a period of three (3) years from 1 June 2022 with an option to extend for a further two (2) years (1+1) for an estimated maximum annual contract value of £1.4m and a whole life contract value of £7m.
2. That cabinet note that the current contract expires on the 4 January 2022 and approval will be sought via a Gateway 3 contract variation report for the extension of the current contract for a further 5 months to cover the period until the new contract starts on the 1 June 2022, and that an internal Occupational Therapist Assistant (OTAs) team has been established to work alongside the successful provider.

BACKGROUND INFORMATION

3. The Community Re-ablement Provision seeks to adhere to the statutory regulations of the Care Act 2014, which require that intermediate care and re-ablement must be provided free of charge for up to six weeks. This is for all adults, irrespective of whether they have eligible needs for ongoing care and support.
4. A Gateway 1 (GW1) procurement strategy report for Community Re-ablement Provision (Community-based Re-ablement) was approved by Cabinet in March 2020 to undertake a competitive tender to establish a re-ablement contract for a term of three years, with provision to extend for a further two years (1+1).
5. The GW1 also noted an additional cost over the current service budget of approximately £100k per annum to create an in-house team of nine Occupational Therapist Assistants (OTAs) working alongside the successful provider.
6. Southwark Council currently has a contract with a single provider (Thames Homecare Service Ltd) which expires on 4 January 2022. Additional ad hoc hours are purchased as and when demand exceeds capacity from other providers within the market.

7. The new service will deliver on the Adult Social Care vision; to provide an improved offer that builds on the benefits of integrated re-ablement and rehabilitation services between the council and Guys and St Thomas NHS Foundation Trust (GSTT); and will meet the challenges of a significant demographic growth.

Procurement project plan (Key Decision)

Activity	Completed /Complete by:
Forward Plan (If Strategic Procurement) Gateway 2	30/08/2021
Briefed relevant cabinet member (over £100k)	04/02/2020
Approval of Gateway 1: Procurement Strategy Report	24/03/2020
Invitation to tender	07/10/2020
Closing date for return of tenders	14/05/2021
Completion of evaluation of tenders	07/07/2021
DCRB Review Gateway 2:	10/11/2021
CCRB Review Gateway 2:	18/11/2021
Notification of forthcoming decision – despatch of Cabinet agenda papers	21/12/2021
Approval of Gateway 2: Contract Award Report	18/01/2022
End of Scrutiny Call-in period and notification of implementation of Gateway 2 decision	26/01/2022
Alcatel Standstill Period (if applicable)	10/02/2022
Contract award	11/02/2022
Add to Contract Register	14/02/2022
TUPE Consultation period (if applicable)	31/05/2022
Contract start	01/06/2022
Publication of award notice in Official Journal of European (OJEU)	14/02/2022
Publication of award notice on Contracts Finder	14/02/2022
Contract completion date	31/05/2025
Contract completion date – if extension(s) exercised	31/05/2027

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

8. The outcome of this procurement will result in a new service which will deliver improved outcomes for Southwark residents over the age of 18

by commissioning an external provider supported by an in-house team of OTA who will provide therapeutically identified interventions that will prevent, reduce and delay the need for crisis intervention and long-term care.

9. Creating an in-house team will bring together 9 directly employed OTAs with a dedicated senior practitioner, co-located with independent provider staff (reablement support workers), thereby improving the seamless delivery by statutory and independent sector organisations. The creation of a team of OTAs, within the overall re-ablement service, and will provide therapeutically identified interventions that will:
 - Have the skills to provide higher intensity/more targeted interventions with less reliance on the number of contracted hours (re-ablement support) required and ongoing home care hours.
 - Improve the management of contracted hours (re-ablement support) via OTAs input into multi-disciplinary decision meetings and stronger partnerships developed with the community and voluntary sector.
 - Support a targeted therapeutic approach (by coaching and facilitating the use of techniques) leading to an improved capability of tasks and independence, also during the same visit, supporting service users with activities such as their personal care and preparing breakfast/lunch using this approach.
 - Have the required skills to recommend the necessary assistive equipment and make links to explore technology solutions for ongoing independence post reablement.
 - Enhance capacity of occupational therapists so that OTs can focus on more complex cases, ensuring that staff knowledge, skills and experience are applied proportionately. This is of significance in response to the future demographic projections.
 - The indirect benefits of creating this team include growing our own Occupational Therapists by creating a career pathway for re-ablement workers, and others with opportunities to train as an OT.
10. The service provider shall work as part of a multi-disciplinary team (MDT) and employ skilled re-ablement workers who will support service user's to achieve their rehabilitation goals.
11. The Community-based Re-ablement service will deliver the following outcomes for residents:
 - Enabling service users to live as independently as possible for as long as possible in their own homes.
 - Support service users to achieve individual outcomes established at the point of assessment and developed through the care and support planning process.
 - Enabling service users to maintain their own networks of support within the community and support service users' personal care networks.

- Contributing to making sure that the most effective use is made of assistive technology and other innovative support solutions, including those that may be ‘universal’ or community-based services that maximise independence and wellbeing. Opportunities can be considered at any point in an individual service user’s pathway.
- To ensure that other reasonable outcomes for the service user, as identified in their support plan, are compliant with terms of the community based re-ablement contract and the Council’s duties under the care Act 2014.
- To work effectively with multi-disciplinary staff including those from the council’s OTA/therapy-led team and from within the GSTT reablement and rehabilitation service in agreeing the interventions required and the resources necessary to achieve the outcomes set.

Policy implications

12. This contract award supports Southwark’s Borough Plan commitment to work for everyone to realise their own potential and treat its residents as if they were a valued member of our own family.
13. The Community-based Re-ablement specification is underpinned by legislation to ensure the council fulfils its statutory requirements towards its residents:
 - The Care Act 2014 (“Care Act”) sets out a legal requirement for the council to deliver a better response to service users and their carers; along with a more cohesive strategy to prevent, delay and reduce people’s dependency on long-term Adult Social Care. It recognises that effective interventions at the right time can stop needs from escalating and help people to maintain their independence for longer. It supports the development of services which improve people’s independence and wellbeing, through active preventative services rather than waiting for people to reach a crisis point.
 - The Care Act statutory regulations require that intermediate care and re-ablement must be provided free of charge for up to six weeks. This is for all adults, irrespective of whether they have eligible needs for ongoing care and support.
14. The Community-based Re-ablement tender opportunity required providers to sign up to the Southwark Ethical Care Charter (SECC), the provisions within the Fairer Future Procurement Framework, including the End Violence at Work Charter.

Tender process

15. The Community-based Re-ablement contract was advertised in the following places:
 - The Official Journal of the European Union (OJEU)

- ProContract
 - Contract Finder
16. The Community-based Re-ablement tender was run in tandem with the Additional Adults Care at Home tender under Lot 3.
 17. The tender process took the form of a Restricted Procedure. As the value of the procurement was estimated well in excess of the EU threshold for light touch services, there was a requirement to follow the Light Touch Regime prescribed under the (EU) Public Contract Regulations 2015 and advertise the tender opportunity in OJEU.
 18. All providers were required to satisfy Southwark Council's minimum requirements of a CQC rating of "Good" prior to completing the Standard Selection Questionnaire (SQ).
 19. In the event that a provider had a rating of "Requires Improvement", they were able to submit a self-cleansing statement as evidence that they were currently working towards a rating of 'Good' via a CQC improvement plan.
 20. If a provider had yet to be inspected or had a "Good" or Excellent" rating but had not been inspected in the last 12 months, they were able to provide a supporting statement, reflecting their current circumstances for information purposes only.
 21. Providers with an "Inadequate" rating automatically failed the pre-qualifying question and were not permitted to participate further in the process.
 22. The council received Selection Questionnaires (SQ) from 40 providers.
 23. Each SQ submission was checked first for completeness and compliance (stage 1), before being passed to Finance colleagues for financial assessment; namely, looking at the economic and financial standing of each provider.
 24. The financial assessments (stage 2) were carried out against the following criteria:
 - Credit score of 40 or higher
 - Financial risk assessment for the council by analysis of key financial ratios
 - A minimum turnover of 1.5 times the annual contract value (£1.4 m).
 25. To achieve an overall pass in the financial assessment, applicants needed to meet all of the above criteria or satisfy the council that their financial assessment (in the case of credit checks) was sufficiently stable to deliver the service required, as detailed in the tender.

26. The bidders that passed the financial assessment were then evaluated on their responses to the technical questions in stage 3 of the SQ evaluation.
27. There were 25 SQ submissions which progressed to stage 3.
28. The responses to the technical questions from each bidder were evaluated and scored by an evaluation panel consisting of three council officers across commissioning and Children's and Adults' services.
29. Each submission was evaluated and scored by panel members individually, and then a consensus score was agreed upon by the panel at a moderation meeting.
30. In accordance with the Invitation to Tender (ITT), eight bidders were shortlisted and invited to tender (this included the council's incumbent provider).

Tender evaluation

31. Six tenders were received in total. One bidder opted out, citing insufficient resources to meet the requirements, and the other bidder did not respond.
32. The six tender submissions were evaluated on a 30% Price, 60% Quality and 10% Social Value ratio.
33. The quality evaluation was made up of 12 questions/method statements. The method statements covered the following areas and were weighted in relation to their relative importance:
 - Service Delivery - 50%
 - Workforce – 20%
 - User Experience – 15%
 - Partnership Working – 5%
 - Mobilisation – 5%
 - Social Value – 5%
34. The tender submissions of each bidder were evaluated and scored by an evaluation panel consisting of three council officers across commissioning and Children's and Adults' services i.e. a Team Manager for Intermediate Care Southwark and a Senior Practitioner from the OPPD Assessment and Intake Team. The panel consisted of two new panellists and one panellist carried over from the previous SQ stage.
35. The method statements were scored 0 – 5 and each had a minimum threshold score to ensure minimum quality standards were met.
36. A moderation meeting took place after each evaluator had individually scored each method statement and a consensus score was reached for each method statement.

37. The Social Value evaluation was conducted independently by The Social Value Portal (SVP) on the council's behalf. The SVP evaluated the social value offers from bidders as part of the procurement from both a quantitative and qualitative standpoint.
38. The quantitative aspect was based on National TOMs (Themes, Outcomes and Measures) developed by the SVP, whereby bidders were required to propose credible targets against which performance (of the successful bidder) will be monitored as part of the contract. The nine TOMs used were reflective of the specific needs of the service and comprised 50% of the overall Social Value evaluation. The TOMs are detailed in paragraph 40 below.

TOMs

Theme	Outcome	Measures
Jobs: Promote Local Skills and Employment	More local people in employment	No. of local direct employees (FTE) hired or retained (for re-tendered contracts) on contract for one year or the whole duration of the contract, whichever is shorter
		No. of local direct employees (FTE) which are TUPE transfers retained on contract for one year or the whole duration of the contract, whichever is shorter (re-tendered contracts only - to be used at Measurement)
	More opportunities for disadvantaged people	No. of employees (FTE) hired on the contract who are long term unemployed (unemployed for a year or longer) as a result of a recruitment programme
	Improved skills	No. of weeks of training opportunities on the contract (BTEC, City & Guilds, NVQ, HNC) that have either been completed during the year, or that will be supported by the organisation until completion in the following years - Level 2,3, or 4+
No. of apprenticeships on the contract that have either been completed during the year, or that will be supported by the organisation to completion in the following years - Level 2,3, or 4+ - delivered for groups specified in 'LIST NT10a' (e.g. NEETs, under-represented gender and ethnic groups, disabled, homeless, rehabilitating young offenders)		
Growth:	Improving staff	No. of employees on the contract that

Theme	Outcome	Measures
Supporting Growth of Responsible Regional Business	wellbeing and mental health	have been provided access for at least 12 months to multidimensional wellbeing programmes that include flexible working time arrangements; healthy nutrition options; physical health programmes; a health risk appraisal questionnaire; access to health and wellbeing resources (e.g. a tailored health improvement web portal; wellness literature; and seminars and workshops focused on identified wellness issues)
Social: Healthier, Safer and more Resilient Communities	Creating a healthier community	Initiatives taken or supported to engage people in health interventions (e.g. stop smoking, obesity, alcoholism, drugs, etc.) or wellbeing initiatives in the community, including physical activities for adults and children
	Vulnerable people are helped to live independently	Initiatives to be taken to support older, disabled and vulnerable people to build stronger community networks (e.g. befriending schemes, digital inclusion clubs)
	Social innovation to enable healthier safer and more resilient communities	Innovative measures to enable healthier, safer and more resilient communities to be delivered on the contract - these could be e.g. co-designed with stakeholders or communities, or aiming at delivering benefits while minimising carbon footprint from initiatives, etc.

39. The qualitative aspect required the bidder to produce a method statement to explain how their commitments will be delivered. This aspect comprised 50% of the overall Social Value evaluation.
40. Social Value scores were then totalled and weighted as 10% of the overall evaluation criteria.
41. The price evaluation was based on an hourly rate; bidders were required to submit a bid between floor and ceiling rates. All bids received were within these rates.
42. As outlined in the ITT, all prices submitted shall be fixed for the duration of the contract; however, prices will be adjusted to accommodate any increases to the London Living Wage and on-costs (national insurance, pension contributions, travel, sick and holiday pay) at 37% of its increase.

43. Bidders were required to complete an itemised cost breakdown of their rates via a pricing schedule.

Final evaluation scores

44. The final evaluation scores for each bidder comprised of a quality score for the method statements, a Social Value score and a price score for the hourly rate.
45. As per the tender documents, the three highest-scoring bidders were invited to a bidder presentation and question & answer (Q&A) session, which were not scored but could result in the moderated scores being adjusted up or down.
46. The three lowest-scoring bidders were informed at this stage that their tenders had not been successful and were not invited to a bidder presentation and Q&A session.
47. Following each bidder presentation and question & answer session, the evaluation panel reviewed the moderated scores and confirmed that the scores were final; none of the evaluators adjusted their scores.
48. The winning bidder's final evaluation score was 82.40%.

Plans for the transition from the old to the new contract

49. As Community-based Re-ablement is a time-limited service, lasting up to six weeks; packages of care beginning prior to the contract start date will continue to be delivered by the incumbent provider until their completion. All new packages of care and / or restarts subsequent to this date will be delivered by the new provider.
50. TUPE will apply upon award of the contract.
51. A twelve-week mobilisation period, as stipulated in the procurement project plan, will grant providers sufficient set-up time to begin receiving new care packages.

Plans for monitoring and management of the contract

52. The contract will be managed by the contract management team who sit within the Quality, Performance and Transformation Division.
53. The monitoring arrangements will provide information on whether or not the contract(s) is performing as expected. Quarterly reports will reflect the outcomes that have been achieved against the agreed target.
54. The council's contract register publishes the details of all contracts over £5,000 in value to meet the obligations of the Local Government Transparency Code. The Report Author must ensure that all appropriate

details of this procurement are added to the contract register via the eProcurement System.

Identified risks for the new contract

55. The following risks and associated mitigations have been identified:

Risks	Mitigation or control	Likelihood
Provider failure and / or a drop in their CQC rating to 'Inadequate'.	Council officers will work in close partnership with the provider through regular contract monitoring and operational meetings to pick up any signs of failure at an early stage and ensure appropriate support and contingencies are put in place during the contract period.	Low
Provider accepting packages of care without the necessary infrastructure / workforce in place.	During contract mobilisation, officers will seek assurance from the provider that the necessary staffing levels have been obtained prior to commencement of the contract.	Medium
Service is impacted from ongoing Covid-19 pandemic.	Any potential issues such as resourcing due to Covid vaccination requirements for support workers will be discussed with the provider during the contract mobilisation period as part of their business continuity plan.	Medium
Procurement Challenge	The procurement has been conducted in accordance with the Public Contracts Regulations 2015.	Low

Community, equalities (including socio-economic) and health impacts

Community impact statement

56. Southwark Council's Borough Plan expresses its commitment to reducing health inequality and to break down barriers that prevent people from thriving in Southwark. The procurement strategy and this contract support this ambition by supporting residents to regain skills or gain new/alternative skills and confidence to enable them to remain living independently in their own home.

57. Officers are mindful of the need to have due regard to the Public Sector Equality Duty imposed by section 149 of the Equality Act 2010, which requires the council 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 share it; and
 - Foster good relations between persons who share a relevant protected characteristic and those who do not share it.
58. A further equality impact assessment will be undertaken during contract mobilisation in order to ensure that the service delivery model remains appropriate for all service users. The health and wellbeing of Southwark residents will be at the core of the work for this service.

Social Value considerations

59. 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 GW1 report) are set out in the following paragraphs in relation to the tender responses, evaluation and commitments to be delivered under the proposed contract.
60. The council's Fairer Future Procurement Framework requires payment of the London Living Wage (LLW), when the service is London-based where it is appropriate to do so. It is appropriate for all staff working on this contract to be paid LLW. It is expected that payment of the LLW by the successful bidder will result in quality improvements for the service users. These should include a higher calibre of multi-skilled operatives that will contribute to the delivery of the services and will provide best value for the council. It is therefore considered appropriate for the payment of LLW to be required. Following award, these quality improvements will be monitored as part of the contract review process.
61. The successful bidder was required to sign up to the Fairer Future Procurement Framework and reiterate their commitment to pay the LLW, as well as their commitment to pursuing various other social value measures, both via their Social Value response to the Social Value Portal (SVP) and in a Social Value method statement.
62. The successful bidder has satisfied the requirements of the council by committing to comply with the Southwark Ethical Care Charter (SECC) which includes, but not limited to, the following:
- Re-ablement support workers (RSWs) will be paid at least the LLW
 - Clients will be allocated the same care worker wherever possible
 - RSWs will be paid for their travel time

- RSWs will be covered by occupational sick pay schemes
- RSWs will be trained (at no cost to individual RSWs)
- Zero hour contracts will not be used in place of permanent contracts for care workers, unless at the request of the RSW.

63. Other social value measures included:

- Raising the living standard of local residents
- Participation and citizen engagement
- Local recruitment
- Volunteer mentoring
- Environmental sustainability.

64. Some examples of social value initiatives put forward by the successful bidder include the following:

- A commitment to recruit 47 local staff.
- A commitment to recruit a minimum of five staff from a long-term unemployed background per year.
- Host mock interview days in conjunction with the Jobcentre.
- Provide free training (e.g. enablement, dementia, first aid) to friends/relatives/informal carers of service users.
- Facilitate community engagement and participation in local interest groups, meaningful activities and opportunities to meet personalised outcomes and reduce isolation.
- Offer staff a 'Cycle to Work' scheme.
- Paperless office environment.

Economic considerations

65. The successful bidder has demonstrated social value in their bid and through their commitment to creating apprenticeships and the employment of local people under this contract. The Social Valuation Company has evaluated the submission of MiHomecare to be 40 apprenticeships in the first year of the contract and 10 apprenticeships in each subsequent year of the contract. This equates to 140 weeks of apprenticeships over the initial three year contract term.

Social considerations

66. This service supports council plan commitment objectives to promote independence and well-being by funding activities and services to facilitate community representation and voice in the areas of health and social care. This will further the aim of promoting inclusive and representative community participation in the planning, commissioning, delivery and quality of these services in Southwark.

Equalities (including socio-economic) impact statement

67. As set out in the Health Inequalities Framework (March 2020), ‘stark inequalities within Southwark existed prior to COVID-19 with a life expectancy gap between the most and least deprived areas of the borough of over seven years for males and almost six years for females’. The COVID-19 pandemic, and the measures put in place to limit its spread, have exacerbated existing health inequalities. The new community re-ablement contract is designed to ensure that people recover effectively at home or in other community settings as appropriate following a hospital admission.

Health impact statement

68. The COVID-19 pandemic impacted all groups but particularly people from Black, Asian and Minority Ethnic backgrounds, low-income households and those with disabilities.
69. The delivery of the community re-ablement service will help to improve the health of both staff and residents in Southwark. It will achieve this by raising the living standards of local people at risk of ill-health through the commitment of the provider to recruit 47 local staff and to recruit a minimum of five staff from a long-term unemployed background per annum.
70. The provider will also be expected to offer flexible and part-time working arrangements to encourage a wide range of applicants and reduce barriers to employment for disadvantaged groups. By adhering to Southwark’s ethical care charter, all staff employed by the re-ablement provider will be paid the London Living Wage as well as their travel time between jobs and occupational sick pay. It will therefore reduce health inequalities in Southwark by ensuring people from socio-economic disadvantaged groups are better remunerated for their work and will lead to a more stable, well-equipped workforce that is able to deliver high quality, consistent care for service users.
71. One of Southwark’s Borough Plan key aims is to support and protect vulnerable residents so that they can lead healthy and active lives. The delivery of the community re-ablement service will support individual’s to regain skills or gain new/alternative skills and confidence to enable them to remain living independently in their own home.

Climate change implications

72. The climate change strategy has five priorities and the social value from this procurement will contribute to the priority of ‘Active & Sustainable Travel’. More specifically, the strategy’s ambition is that Southwark will ‘be a borough where walking and cycling becomes the default way to get around’.

73. The provider has committed to supporting Southwark's Climate Strategy to make Southwark carbon neutral by 2030 through a number of initiatives including:
- Participation in the 'Cycle to Work' scheme, their employees make substantial savings on bike and cycling equipment purchases, reducing their carbon emissions;
 - Assessing and mitigating the environmental impact of each of our office premises, using environmental impact assessments; and
 - Using renewable energy suppliers and energy efficient lighting.

Environmental/Sustainability considerations

74. There are no environmental / sustainability considerations.

Market considerations

75. The market for the Community-based Re-ablement service is stable and well developed. There is a strong presence of providers operating within Southwark.

Staffing implications

76. Staffing and contract management resources will be met within the Children's and Adults' Services.

Financial implications

77. The annual contract value is estimated to be £1.4m, in which it should be noted that this is an estimated value as spend is modelled on current activity. The contract value is calculated based on 1400 hours per week. There is sufficient budget in Adult social care to cover the estimated annual contract value.
78. The reablement budget available is part funded from the Better Care Fund and the Improved Better Care Fund.
79. The creation of the nine OTA roles have been approved in May 2021.

Legal implications

80. Please see concurrent from the Director of Law and Governance.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance 55AS2021-22

81. The Strategic Director of Finance and Governance notes the recommendations of this report especially the finance implications

paragraph. There is sufficient funding available in Adult Social Care budget to fund the new contract.

Head of Procurement

82. This report seeks approval from the cabinet to award a contract for Community Re-ablement Provision to MiHomecare Limited for a period of three (3) years from 1 June 2022 with an option to extend for a further two (2) years (1+1).
83. In granting the approval to award the proposed contracts, the Cabinet is to give consideration to the procurement process required under the Public Contracts Regulations 2015 and the council's Contract Standing Orders which has been duly followed in selecting the successful bidder and ensuring high quality service is delivered and that efficiency and best value is achieved.
84. The procurement strategy implemented and the new proposed contract ensures that equalities, health and climate impacts on the community as well as social value commitments have been considered and made provisions for in line with the needs of the borough and the community at large.

Director of Law and Governance

85. This report seeks approval to award a contract to MiHomecare Limited for the provision of a community reablement service for a maximum period of five years, inclusive of extension options.
86. Due to the nature and estimated value of the services that the council requires the procurement of those services was subject to the application of the European procurement regulations (Public Contracts Regulations 2015/"PCR") in force at that time, as well as relevant domestic legislation and the council's Contract Standing Orders ("CSOs").
87. The report confirms from paragraph 15 that a publicly advertised competitive tendering exercise was conducted, in compliance with the restricted procedure prescribed by the PCR and with CSOs.
88. The decision to approve the recommended contract award is one which is expressly reserved to the Cabinet under the council Constitution.
89. The community impact statement set out from paragraph 57 of this report summarises the effect of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, and in making procurement decisions the council must consider and have due regard to any effects of the decision on the community at large and on people identified as possessing "protected characteristics", as defined in the Act. Paragraph 59 advises that officers will undertake a further equality impact assessment whilst the contract is mobilised in order to check and ensure

that the service meets the needs and protects the interests of those with a protected characteristic.

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Gateway 1: Procurement Strategy Approval	160 Tooley St, London, SE1 2QH	Cynthia Davis – Assistant Director Commissioning
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/documents/s88153/Report%20GW1%20Procurement%20Strategy%20approval%20-%20reablement%20services.pdf		

APPENDICES

No	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Evelyn Akoto, Health and Wellbeing	
Lead Officer	David Quirke-Thornton, Strategic Director for Children's and Adults' Services	
Report Author	Sam Edwards, Procurement Manager	
Version	Final	
Dated	7 January 2022	
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 Governance	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		7 January 2022

Item No. 14.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Home Purchase Grant (Cash Incentive) Funding Report	
Ward(s) or groups affected:		Borough-wide	
Cabinet Member:		Councillor Stephanie Cryan, Council Housing and Homelessness	

FOREWORD - COUNCILLOR STEPHANIE CRYAN, CABINET MEMBER FOR COUNCIL HOMES AND HOMELESSNESS

In 2007, the Council launched the Home Purchase Grant scheme that provides cash incentives to tenants who wish to move and purchase a property in the private sector. The vacated home is then returned to the Council and re-let or used as temporary accommodation. In the past, the funding for the scheme has been thorough Social Homebuy sales but in recent years the amount of funding has significantly reduced. The Home Purchase Grant scheme is very popular and we are oversubscribed with applications from residents.

In order to meet the need and to allow up to 63 much needed homes to be returned to the council this report asks that Cabinet agree a variation to the Housing Investment Programme and make £2.15 million available to clear the backlog of applications.

This investment will help to meet the growing need for good quality council homes for some of the 16,500 households on the council’s waiting list and will form part of a holistic approach to meeting the housing need in Southwark.

RECOMMENDATIONS

1. Approve amendment to the policy for funding the Home Purchase Grant scheme to enable it to be funded from all resources available to support the Council’s Housing Investment Programme where permitted rather than solely from capital receipts arising from Social Homebuy sales.
2. Approve a variation to the Housing Investment Programme to make available a sum of £2,150,000 for the Home Purchase Grant Scheme in 2022-23 to allow the backlog of applications to be cleared.

BACKGROUND INFORMATION

3. The Home Purchase Grant scheme was approved in 2007 as a cash incentive scheme for tenants who are considering moving to the private

sector. The vacated tenant property is then returned to the Council and available to re-let to those on the housing waiting list or for temporary accommodation.

4. The Home Purchase Grant Scheme is currently funded by the capital receipts received from Social Homebuy (shared ownership) transactions.
5. In addition to the funding received from capital receipts, the Council received government match funding of £630,000 in 2015/16. Since then, the scheme has been limited to self-funding through Social Homebuy capital receipts.
6. The table below shows the capital receipts received in recent years:

Financial year	Social Homebuy Applications	Social Homebuy Completions	Capital Receipts
2021/22*	6	2	£652,152
2020/21	17	4	£612,450
2019/20	13	5	£1,012,394
2018/19	9	4	£813,220

* Forecast 2021/2022

7. Capital receipts raised, which were not used for Home Purchase Grants in any financial year, were deemed to be carried over into the following financial year. Below is an overview of the remaining budget in the program from 2018/19 which has been reduced by the Home Purchase Grant spent year on year:

Financial Year	Budget	Completions	Spend
2021/22+	£629,520	16 grants	£563,532
2020/21+	£998,831	11 grants	£369,311
2019/20+	£1,245,620	7 grants	£246,789
2018/19+	£1,902,156	19 grants	£656,536

8. Since inception, the scheme has been extremely popular and consistently oversubscribed. As of October 2021, 75 applicants have expressed an interest in the scheme and 13 of those are assessed and eligible. The remaining 62 applicants are being held on a waiting list pending funding. Approximately 50% of all applications processed generally meet our eligibility criteria and are offered a grant; meaning of the 62 applicants

waiting for assessment, approximately 31 will be successful.

9. At the end of 2020-21, the Social Homebuy receipts carried forward to 2021/22 is £486,708. We forecast that we will receive approximately £652,125 in Social Homebuy receipts income in 2021-2022, which equates to a maximum of 20 Home Purchase Grant completions. The total expected receipts for 2021/22 will be £1,138,833. The total forecast cases for 2022/23, including those currently on the waiting list will total 63 at a cost of £2,148,000.
10. It should be noted that once the grants funds have been allocated to an application, they cannot be redistributed unless the applicant withdraws. The timeline for completions is up to 12 months. This means that funds can appear on budget accounts as unused where they have been committed to approved grant applicants meaning no further applications can be processed, as funding is not available.
11. The table below illustrates how many additional home purchase grants we could allocate, based on average grants of £33,000 per property, and would be the number of additional properties returned to the Council for letting:

Additional Funding	Average Home Purchase Grants
£2,150,000	63 Completions
£1,500,000	46 Completions
£1,250,000	42 Completions
£1,000,000	30 Completions
£750,000	23 Completions
£500,000	15 Completions

KEY ISSUES FOR CONSIDERATION

Advantages of Providing Additional Funding

12. The Home Purchase Grant scheme contributes additional properties, which are in short supply for either permanent or temporary accommodation, thus reducing costs.
13. A breakdown of how the grant is calculated is set out in the table below:

Beds	Basic Incentive	Moving costs assistance	Desirable features (if applicable)	Maximum Total Grant
5+ Beds	£45,000	£3,000	£3,000	£51,000
4 Beds	£40,000	£3,000	£3,000	£46,000
3 Beds	£35,000	£3,000	£3,000	£41,000
2 Beds	£30,000	£3,000	£3,000	£36,000

14. When comparing the average costs of temporary accommodation funding, the scheme is exceptional value for money as the average annual costs of 2-bedroomed Temporary Accommodation is £7,613 and for 3-bedroomed units, it is £10,376.
15. By re-funding the Home Purchase Grant Scheme with funding of £2,150,000 for the financial year 2022/23, the Council can bring back 63 properties into social housing use.

Social Homebuy Receipts

16. The capital receipts for Social Homebuy would continue to be collected and applied to the Housing Revenue Account fund but would no longer be linked to the Home Purchase Grant scheme.

Policy framework implications

17. If this report is approved, the implications relate to how the Home Purchase Grant Scheme is funded as per paragraphs 5 and 18 of the Revised Cash Incentive Scheme (July 2009) with funding no longer linked to the Social Homebuy receipts.

Community, equalities (including socio-economic) and health impacts

Community Impact Statement

18. There are no adverse impact on any of the equality strands.

Equalities (including socio-economic) impact statement

19. There are no adverse impact on any of the equality strands.

Health impact statement

20. No aspects of the Home Purchase Grant scheme impact adversely on health.

Climate change implications

21. No aspects of the Home Purchase Grant scheme impact on climate change.

Resource implications

22. There are no additional staff resources currently required to enhance the scheme.

Legal implications

23. The power to put in place schemes for payments to assist local housing authority tenants to obtain other accommodation is provided by Section 129 of the Housing Act 1988 as amended by the Regulatory Reform (Schemes under Section 129 of the Housing Act 1988) (England) Order 2003. S129 of the Act enables a local housing authority to put in place a scheme to make grants to or for the benefit of qualifying tenants or licensees of the authority to assist them to buy a dwelling house. The local authority has the power to impose such conditions as it feels appropriate.
24. The report confirms that such a scheme has been in place since 2007, revised in 2009 and sets out the arrangements for funding the scheme. The report seeks authority for additional funding for the reasons set out in the report.

Financial implications

25. It is estimated that in order to deal with the backlog of interested parties for the scheme, a budget of £2,150,000 would be required for 2022/23. It is anticipated that in subsequent years the budget required would be much lower as the backlog of applications would be cleared, and in view of this a review of the scheme is proposed in 12 months time to set the budget for the scheme for 2023/24.
26. Up until now, the policy has been to meet the cost of the home purchase grants from social homebuy receipts. This report is recommending removing this requirement, which will provide greater flexibility for funding the home purchase grants scheme and the Housing Investment Programme overall, by allowing access to all resources supporting the Housing Investment Programme, including borrowing where needed.
27. Grants of this nature can be treated as capital expenditure for the purposes of financing because they enable the recipient finance the purchase of an asset, which represents capital expenditure to them.

Consultation

28. Not applicable for this scheme.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

29. Not applicable.

Director of Law and Governance

30. The constitution determines that cabinet consider decisions regarding the strategic aspects of the regulation and control of the council's finances. The council has a legal obligation to set a balanced budget on an annual basis as prescribed in the Local Government and Finance Act 1992 and associated Regulations. The issues contained in this report will assist in the future discharge of that obligation.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Revised Cash Incentive Scheme	Specialist Home Purchase Team, MSHO, Tooley Street, 2 nd Floor, Hub 2	Trish Hadden 0207 525 3368
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?Id=710		

AUDIT TRAIL

Cabinet Member	Councillor Stephanie Cryan, Council Housing and Homelessness	
Lead Officer	Richard Selley, Director of Customer Experience	
Report Author	Trish Hadden, Sales and Acquisition Manager	
Version	Final	
Dated	6 January 2022	
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		6 January 2022

Item No. 15.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Technology and Digital Service Digital Inclusion Report 2022-2025	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Rebecca Lury, Finance, Performance and Democracy	

FOREWORD - COUNCILLOR REBECCA LURY, CABINET MEMBER FOR FINANCE, PERFORMANCE AND DEMOCRACY

The Technology and Digital Strategy’s ambition is to ensure that Southwark is recognised as one of the leading digital boroughs in London. A borough that delivers a digitally inclusive society by developing the digital infrastructure and services that enable its citizens, communities and businesses to thrive.

The rapid digital acceleration created by the COVID-19 pandemic has highlighted the inequalities in our Borough and this strategy will aim to support around connectivity, skills and devices and creating the right environment for a future workforce.

Key to becoming a truly inclusive digital borough, is a strong partnership and collaboration between the council local businesses, technology providers and organisations from the public, private, community and academic sectors. This collaborative approach will enable new innovative opportunities that maximise the use of digital technologies and the skills and capabilities of our citizens and local businesses.

Technology will continue to play an essential enabling role in supporting the future aims of both the borough and the council, with Southwark Technology and Digital Service being the council platform to enable delivery of its vision for a technology enabled borough of the future. Our workforce, many of who live in the Borough have relied on technology enabled solutions to continue to support the residents in our Borough, therefore even the improvements in our internal and partnership technology service will create improvements for residents.

The strategy is underpinned by five Delivery Pillars to set out how we will do this:

- **Making Southwark one of the best connected boroughs in London and developing emerging technology:** Understanding how technology can be used to enable our residents, businesses and staff to become digital-first and innovating to ensure Southwark is the one of the best connected boroughs in London.

- **Tackling digital exclusion and ensuring our residents have the tools, skills and technology to be participate in today's society:** Providing fast, reliable internet availability throughout the Borough, and the skills to enable our residents to use digital.
- **Empowering local businesses:** Working with local businesses to ensure that they are making the most of a digital-first approach.
- **Improving resident experiences:** Reviewing how we deliver services to allow residents to have a seamless digital interaction with us.
- **Supporting our staff:** Ensuring that Council staff have access to modern workplace technology, and the skills to enable them to deliver services as efficiently as possible.

RECOMMENDATIONS

1. To note progress against the previous suite of strategies as agreed by Cabinet.
2. To agree the refreshed vision, outcomes and deliverables contained in the Technology and Digital Strategy.
3. To note that following the agreement to the Technology and Digital Service, Inclusion Strategy, a portfolio of projects and programmes phased over the three years of the Strategy will be implemented and monitored through the Technology Transformation and Digital Delivery Portfolio Review Groups and the Technology and Digital Strategy Board.

BACKGROUND INFORMATION

4. There have been three related strategies that have been delivered against from previous years, namely the Digital Infrastructure Strategy agreed at Cabinet November 2017, Southwark's IT Strategy agreed at Cabinet November 2016 and Southwark's Digital Strategy agreed by Cabinet February 2016.
5. Given the Council Plan has been recently refreshed and that a number of the objectives from the strategies have been achieved, it is timely to take an end of cycle review to reset the focus and to combine the three strategies.
6. Responding to COVID-19 has impacted how local government operates internally and how residents need to access services digitally. This has resulted in an accelerated need for remote and flexible workplaces and an increasing expectation of connectivity and services to residents.
7. Delivering this strategy will provide our workforce with the tools and digital skills to deliver the council's priority outcomes and to make sure that services are fit for the future.

8. There has been extensive stakeholder and resident engagement to ensure this strategy refresh, is founded on our future organisational requirements, and is achievable but equally ambitious and future focused. When designing the delivery plan for this strategy, further engagement with staff and residents will ensure organisational alignment and support of departmental plans.

KEY ISSUES FOR CONSIDERATION

9. The Cabinet Member for Finance, Performance and Democracy and the Strategic Director of Housing and Customer Experience are leading on the digital transformation for the organisation.
10. The Digital Delivery and Technology and Data Transformation teams will coordinate organizational wide technology transformation, whilst providing support and expertise to designing and improving digital services, ensuring efficiency savings are achieved and customer experiences improved.
11. The overarching Technology and Digital Strategy will help put in place essential elements needed to make sure that staff are able to deliver our corporate plans and priorities for our borough and as one council.

The Switham Council Technology & Digital Inclusion Programme will deliver:

12. Transformation in these areas contribute to the Fairer Future theme – Thriving Neighborhoods, as more and more residents will be able “to benefit from opportunities to take advantage of the digital revolution.”
13. The vision is about putting citizens, customers and users first when we think about designing and delivering services, using technology as an enabler of transformation of services that puts digital at the centre of how the council wants to operate, working differently to become a digital council. As the world continues to change in recovery of the COVID-19 pandemic where technology has become a cornerstone of global leadership, future investment in technology and collaborative working opportunities will enable us to achieve our ambition for an inclusive digital borough that everyone can benefit from.
14. Digital provides the opportunity to encourage creating positive outcomes for residents. Digital engagement with residents to ensure they feel informed and listened to in a world where public forums may not feel safe to them or continue to be restricted. Where data is used to create a one council approach to prevention and early intervention to create a digital borough for the future where residents feel more engaged, have opportunities to change health outcomes and receive early support.

Community, equalities (including socio-economic) and health impacts

Policy implications

15. The strategy has been written in alignment with the Customer Access Strategy and the Council borough plan which will both be reviewed in 2024. Technology and Digital Strategy will be reviewed in 2023 in alignment with the Shared Technology Service Roadmap 2021-2023. As highlighted by the COVID-19 pandemic, using technology is essential to respond to change so the priorities and outcomes of this strategy will be reviewed more regularly.

Community impact statement

16. The Equality Act 2010 requires public authorities to have due regard to a number of equality considerations when exercising their function. This process may be informed by an equality analysis.
17. Pursuant to section 149 of the Equality Act 2010 Southwark Council has a duty to have due regard in its decision making processes to the need to:
 - (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct.
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not.
 - (c) Foster good relations between those who share a relevant characteristic and those that do not share it.
18. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The Public Section Equality Duty also applies to marriage and civil partnership but only in relation to (a) above.
19. The proposal to refresh the Technology and Digital Strategy will not negatively impact service users with Southwark Council with protected characteristics because there is no proposed reduction or restriction of the scope of the Services that are already being offered to them.

Equalities (including socio-economic) impact statement

20. Please refer to points 16-17 above. The Technology and Digital Inclusion Strategy will reflect the relevant duties in relation to protected characteristics and equality.
21. A key principle of the Strategy is that “nobody is left behind”. The Strategy is far reaching in relation to digital and technology related ambitions, however the underlying theme throughout is around digital inclusion, education and skills for all. For each programme of work, impact assessments will be used to fully understand how various parts of our communities will be affected as appropriate.

22. As Southwark digitalises and makes improvements and changes to how we work and deliver services, we need to ensure that those in each of the protected characteristics groups are still able to access council services and support using traditional methods such as face to face and telephone support. This is because not all residents may not have the capacity nor the desire to get online.
23. Digital poverty is a major contributing factor to digital exclusion and may prevent some residents from benefiting from the outcomes of this strategy. Residents facing socio-economic disadvantages may be unable to afford devices and a regular broadband connection to connect to the internet and access council services online. In addition to this, residents may lack the digital skills to engage which may lead to future exclusion. This pillars detailed within in this Strategy aim at tackling these inequalities, to ensure that as many residents and Southwark employees as possible benefit from the improvements and programmes of work.

Health impact statement

24. There are no specific health implications related to this Strategy, however the different delivery pillars will allow the council to harness technology and innovations which can play a role in the improvement of health and wellbeing of residents across the borough.

Climate change implications

25. There are no direct climate change implications arising directly from this report. The individual programmes contained within this report will be subject to appropriate processes to assess and mitigate risks and to maximise potential benefits.

Resource implications

26. As future areas of work are developed, individual businesses cases for approval will be developed.

Legal implications

27. There are no direct legal implications arising from this report.

Financial implications

28. As future areas of work are developed individual business cases for approval will be developed.

Consultation

29. Officers have carried out engagement with partners and other directorates to ensure the refreshed Technology and Digital Strategy reflects the all stakeholders' needs. Although there is no requirement for the Council to

formally consult for the refreshed strategy, officers have engaged with service managers, departments, senior management and the community to include their views.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

30. Not applicable.

Director of Law and Governance

31. The Director of Law and Governance notes that the report asks cabinet to note the progress against the suite of IT and digital strategies previously agreed by cabinet and to agree the refreshed vision, outcomes and deliverables contained in the Technology and Digital Strategy.
32. The cabinet is delegated to make this decision in accordance with part 3B of the council's constitution.
33. The cabinet is reminded of the public sector equality duty (PSED) under section 149 of the Equality Act 2010 as set out in the community impact statement paragraphs above.
34. It is noted that consideration of the need to tackle digital inclusion for all residents of Southwark is a specific strand of the policy going forward and cabinet will need to consider the extent to which this, and the strategy as a whole, will impact any individuals who have protected characteristics. An equality impact assessment has been produced which the cabinet should consider when making this decision. The PSED general duty is a continuing one and will need to be given due regard in the ongoing work plans of the strategy.
35. Whilst there is no requirement to consult the public on the production of this strategy, the report identifies work that has been done to obtain external views and how these have been taken into account.

Strategic Director of Finance and Governance

36. Not applicable – budget is already allocated within the existing Technology and Digital departmental budgets and each programme referenced will be subject to further discussion at the Technology and Digital Strategy Board.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark's Fairer Future IT Strategy 2017-2020	Technology and Digital Services/ Modernise	Dionne Lowndes 07523919592
Link: https://www.southwark.gov.uk/council-and-democracy/modernise-strategy		
Southwark's Digital Infrastructure Strategy 2017-2020	Technology and Digital Services/ Modernise	Dionne Lowndes 07523919592
Link (please copy and paste into browser): https://www.southwark.gov.uk/assets/attach/8774/Appendix-4-Digital-Infrastructure-Strategy-2017-to-2020.pdf		

APPENDICES

No.	Title
Appendix 1	Technology and Digital Inclusion Strategy

AUDIT TRAIL

Cabinet Member	Councillor Rebecca Lury, Finance, Performance and Democracy	
Lead Officer	Richard Selley, Director of Customer Experience	
Report Author	Dionne Lowndes, Chief Digital & Technology Officer	
Version	Final	
Dated	10 January 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		10 January 2022

Item No. 16.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Bankside Yards - acquisition for planning purposes	
Ward affected:		Borough and Bankside	
Cabinet Member:		Councillor Helen Dennis, Climate Emergency and Sustainable Development	

FOREWORD – COUNCILLOR HELEN DENNIS, CABINET MEMBER FOR CLIMATE EMERGENCY AND SUSTAINABLE DEVELOPMENT

This report proposes that the Council acquires a temporary interest in the site of the former Ludgate House, the Airspace Land, and site of the former Sampson House in order to facilitate the consented development at Bankside Yards (Blackfriars). A mixed-use net-zero scheme, which will deliver new public realm, affordable housing, affordable workspace, a new cultural offer, and a venue dedicated to the LGBTQ+ community.

The Council recognises that if the scheme proceeds the rights of light of some nearby owners and occupiers will be affected, and compensation will be payable in respect of any interference. The acquisition recommended by this report is for planning purposes and will enable the rights of third parties to be overridden, whilst not affecting their entitlement to compensation. This will reduce the risk of delays to the development following the breakdown of negotiations around the amounts of compensation between some of the relevant parties and the threat of injunctions being used by three affected owners, which could delay or prevent the consented scheme from proceeding.

The proposal is consistent with legal and policy tests set out in the Town & Country Planning Act 1990 and the Housing & Planning Act 2016, and the report explains why it is necessary to depart slightly from the Council's own policy on the use of overriding powers.

The proposal is underwritten by the developers, Ludgate House Ltd. and Sampson House Ltd. ensuring that there is no financial risk to the Council.

Although consultation with local owners and occupiers is not required by law, all owners and occupiers likely to be affected were notified and their views have been incorporated into the report.

This report proposes that we proceed with the acquisition, delegating power to the Director of Planning and Growth to finalise the detailed terms and conditions for the transactions and indemnity agreements, and to deal with any subsequent compensation claims pertaining to third party property rights.

RECOMMENDATIONS

That the Cabinet agrees

1. The Council entering into an agreement with Ludgate House Limited (LHL) for
 - a) The acquisition by the Council of the freehold of the site of the former Ludgate House (title number TGL62703), shown outlined on the plan at Appendix A, and simultaneous grant by the Council to LHL of a 999-year lease of the same site. The acquisition will be under section 227 of the Town and Country Planning Act ("TCPA 1990") for the purpose of facilitating the carrying out of development, redevelopment or improvement on or in relation to that land; and
 - b) The acquisition by way of an assignment to the Council of LHL's leasehold interest in the Airspace Land (title number TGL54167), shown outlined on the plan at Appendix B, and simultaneous granting by the Council to LHL of a 249-year sub-lease of the same site. The acquisition will be under section 227 of the TCPA 1990 for the purpose of facilitating the carrying out of development, redevelopment or improvement on or in relation to that land; and
 - c) A Put and Call Option between the Council and LHL in relation to the site of the former Ludgate House and the Airspace Land, on the principal terms set out in the report.
2. The Council entering into an agreement with Sampson House Limited (SHL) for
 - a) The acquisition by the Council of the freehold of the site of the former Sampson House (contained within title number TGL138850), shown outlined on the plan at Appendix C, and simultaneous granting by the Council to SHL of a 999-year lease of the same site. The acquisition will be under section 227 of the TCPA 1990 for the purpose of facilitating the carrying out of development, redevelopment or improvement on or in relation to that land; and
 - b) A Put and Call Option between the Council and SHL in relation to the site of the former Sampson House on the principal terms set out in the report.
3. That as a pre-condition to the transactions referred to in 1 and 2 above, LHL and SHL enter into agreements, with financial security arrangements, to fully indemnify the council against any costs arising from these arrangements, including, but not limited to, the payment of compensation.
4. That the Council's intention in acquiring the interests under section 227 of the TCPA 1990 is to enable third party rights that exist over the site of the former Ludgate House, the site of the former Sampson House and the

Airspace Land to be overridden pursuant to section 203 of the Housing and Planning Act 2016 (“HPA 2016”).

5. To delegate to the Director of Planning and Growth authority to:
 - a) Agree detailed terms and conditions for the transactions referred to in 1 and 2 above and to instruct completion of the legal formalities
 - b) Agree detailed terms and conditions for the indemnity agreement referred to in 3 above and to instruct completion of the legal formalities.
 - c) Subject to completion of the agreements referred to in 1, 2 and 3 above, pay compensation properly claimed where due to third parties arising from the interference of their rights over the former Ludgate House site, the former Sampson House site and/or the Airspace Land in accordance with section 204 of HPA 2016;
 - d) Defend or settle (as appropriate) any compensation claims referred to the Lands Chamber of the Upper Tribunal in respect of rights that are overridden due to the exercise of the Council’s powers and to take all necessary steps in respect of any other legal proceedings that relate to the use of the aforementioned powers to override third party private rights over the former Ludgate House site, the former Sampson House site and/or the Airspace Land.

BACKGROUND INFORMATION

6. This report deals with a request from LHL and SHL, collectively referred to as “the Developer”, for the Council to take action to engage certain statutory powers in order to facilitate the delivery of the Bankside Yards redevelopment scheme, referred to as “the Scheme”.

Summary

7. It is not unusual for a property owner to enjoy rights over another party’s property, and these rights can interfere with the delivery of beneficial development projects.
8. In appropriate cases, if certain conditions are met, the Council can take advantage of legislation that allows the Council to override the property rights, which are then converted to a claim for compensation. Interference with these rights would no longer be actionable by way of an injunction and so the development project should be able to proceed.
9. The Council can use this power in the delivery of its own development projects (which it has done on several occasions), or to unlock schemes being promoted by other organisation (which it did most recently with the Canada Water Masterplan and before that the Elephant and Castle project).

10. The Council has a policy for dealing with requests from third parties to use its powers, which includes a set of principles against which to assess requests. Whilst the policy was prepared in relation to the use of powers under Section 237 of the TCPA, (since superseded by S203 of the HPA 2016) it remains applicable and relevant to Cabinet's consideration of use of the S203.
11. The Council recently received a request from the Developer in relation to the Scheme. This report explains how the request meets the statutory conditions for the acquisition of land for planning purposes. It also explains why in this case it is acceptable to depart slightly from the Council's own policy on the use of its overriding powers.
12. Should Cabinet be minded to agree the report recommendations, that will facilitate delivery of the Scheme's many public benefits including:
 - a) An in lieu affordable housing payment of at least £69m (subject to viability review and indexation this could rise to circa £100m) as well as 37 onsite affordable homes.
 - b) Borough CIL of £9.1m and Mayoral CIL of £3.3m; a contribution of £500k to the community project bank; construction apprenticeship training for a minimum of 43 local people; the provision of affordable workspace; and a commitment that 10% by value of goods and services for the development of the Scheme be procured locally.
 - c) A package of extensive public realm improvements that will see around half of the ground floor area of the site open to public access; creation of new east west pedestrian and cycle routes across the site; refurbishment of a section of railway arches; and, the setting out of a new public square and a public garden.
 - d) Provision of two cultural spaces, one that will provide a range of benefits to the LGBTQ+ community around the themes of social, cultural, wellbeing, support and advice.
 - e) The Scheme comprises a mix of uses including residential, employment, leisure and cultural space that ultimately will deliver 341 new homes, space for an estimated 3,700 (full time equivalent) jobs and a hotel.
13. The impact of the recommendations will fall on owners of property rights who will have their ability to stop the Scheme by serving an injunction overridden. They will instead be able to claim statutory compensation.
14. This overriding will apply to all property rights impacted by the development, but it is considered rights of light are the primary concern. To date the Developer's rights of light consultant has identified 40 owners of rights of light who will be significantly affected by the development.

Context

15. The Bankside Yards project has planning consent for a substantial mixed-use development. Appendix D contains a description of the Scheme, information on its relevant planning history, and sets out the many public benefits the Scheme will deliver.
16. Delivery of the Scheme will require a substantial financial investment of several hundred million pounds. To commit to such an investment the Developer and its investors have to have the confidence that the Scheme can be delivered and will not be frustrated.
17. The Scheme will result in new higher buildings in the locality and their construction will reduce overall daylight and sunlight available to some existing properties locally. This was identified and carefully considered by the Planning Committee in determining the planning applications for the Scheme. The extent of interference to daylight and sunlight was not considered to be of such severity to cause the planning applications to be refused.
18. The planning application process in general does not (and is not meant to) consider the private rights which may exist over one property in favour of another property and which may be enforced by one property owner against another. Such rights can take the form of (for example) a private right of way over one property in favour of another; a restrictive covenant preventing something being done on a property to the benefit of another property; or a right of light across one property in favour of another property. As will be set out in this report, for the Scheme to go ahead, some interference with rights of light which exist over the Scheme site in favour of other land would need to occur. Interference with other property rights might also occur.
19. Where a property right is interfered with the person benefitting from the right can apply to the court for an injunction to prevent the interference. If the court deems it appropriate, the court can order action to be taken to remove that interference; or the court may award monetary damages instead. Beneficiaries of the rights do not need to make any application to court ahead of the work causing or potentially causing interference commencing. Indeed, they can if they want, wait until after completion of the work. This therefore presents a significant risk to the Developer - that having invested in one or more buildings it is subsequently required by the court to reduce the height of or remove the building(s) concerned or having substantial damages awarded against it. This is an unacceptable risk for the Developer and makes financing the Scheme problematic.
20. Parliament has recognised that the issues described in the previous paragraph can prevent desirable schemes proceeding. Through the TCPA 1990 and subsequently restated in the HPA 2016, it has given councils (amongst others) a mechanism to override such rights, whilst still

giving beneficiaries a right to claim financial compensation for infringement of their rights. Section 203 of the HPA 2016 allows rights to be overridden if certain pre-conditions are met, one of which is the vesting or acquisition of land in a local authority. Under section 204 of the HPA 2016, the holder of the right is entitled to compensation if they suffer loss as a result of the infringement.

Property rights potentially interfered with by the Scheme

21. In this case it is rights of light, and in some instances potential rights of light, over the Scheme site in favour of adjacent properties, which have been identified as the primary concern.
22. A right of light is enjoyed by one property against another. It can arise either through express grant of the rights or through long use i.e. by the light travelling to a window in a building for many years across a particular route. The latter category is relevant here.
23. At the start of the project the Developer made the commercial decision to twin track commencement of construction whilst negotiating the release of rights of light with rights owners.
24. The Developer has appointed GIA to undertake rights of light analysis. GIA initially identified a group of neighbouring interests as those most likely to have rights of light that might be affected. Starting in late 2017 a programme of site surveys established that 40 neighbours will be materially affected parties and negotiation of rights of light releases began.
25. Initial progress was good with offers being made in the majority of cases in November 2019. However, more recently negotiations and further settlements have stalled and three owners have threatened Court proceedings to protect their rights by seeking declaratory relief as to the extent of their rights, injunction to prevent any interference with their rights and/ or substantial damages.
26. In some cases the Developer's continuing attempts to agree terms for release of any rights in return for payments of compensation have not been successful. There are still a category of neighbours who consider the infringements to their rights are significant, i.e. they could not be classed as minor or trivial in nature. As such, without the use of the overriding powers in section 203 of the HPA 2016 the holders of those rights (or any one of them) could potentially seek and obtain an injunction to prevent the Scheme from proceeding.
27. The developer has requested that the Council utilise its available powers to override all property rights that may be interfered with by the Scheme, to enable the Scheme to proceed. In the event that the Council does exercise its powers, the Developer has committed to continue the ongoing negotiations and honour all offers made.

KEY ISSUES FOR CONSIDERATION

The legal and policy framework in respect of overriding property rights

28. Cabinet is directed to Appendix E where the relevant legal and policy framework in respect of overriding property rights is set out in detail. It is important that Members review carefully the relevant legal and policy tests in Appendix E, which must be satisfied before the Council can utilise its powers to override rights.
29. Cabinet will note among other aspects:
 - a) the key tests set out in sections 226(1)(a) and 226(1A) of the TCPA 1990, including the need to satisfy the well-being test in section 226(1A) (paragraph 1 of Appendix E);
 - b) the pre-conditions to the engagement of section 203 of the HPA 2016 (paragraph 5 of Appendix E);
 - c) the list of seven considerations that the Council should address in deciding whether to override rights, including whether it is necessary to interfere with the rights to allow the Scheme to proceed and whether there is a compelling case in the public interest for the interference with the rights (paragraph 8 of Appendix E); and
 - d) the Council's June 2016 policy on the use of the overriding powers (paragraph 9 of Appendix E).
30. As to the June 2016 Council policy, as set out in detail in paragraphs 11 to 16 of Appendix E, in this case it is necessary for Cabinet to consider whether there should be a departure from the principle that the powers should only be used when genuine negotiation with affected persons has failed (principle (d)). To insist on the Developer getting to the point of failure of negotiations with all affected parties in this case is not considered reasonable given the number of potentially affected interests. It should be noted that agreement in principle had been reached with many of the more affected owners but negotiations have stalled, and there have been threats of Court applications from three affected owners.
31. The potential departure from principle (d) of the policy has been notified to property owners and occupiers in the locality and representations were invited from them. This was done by way of a covering letter with a detailed briefing note. 638 properties were contacted (this being more addresses than GIA report may be adversely affected, to include all units within a block where any one unit may have rights). 15 parties responded to the letter. A summary of the responses received and the Council's response to the main points taken by those objecting is at Appendix F.
32. In brief, the responses highlighted the following concerns: (i) that this was

the first that the person was aware of potential rights; (ii) a typographical error in the paragraph numbering led a few people to query whether text was missing; (iii) that it was incorrect that rights holders had delayed in negotiating settlements or were holding out for unreasonable sums; (iv) the period for responses was not long enough; (v) more information required as to implications for residents; (vi) objections to the planning decisions taken to redevelop the site; (vii) delays regarding the Developer's offer to install glazing on balconies at Falcon Point; (viii) unfair that all residents should be affected by failed negotiations of just a few parties; (ix) the temporary acquisition seems devious/a sham; (x) use of powers is premature and negotiations should continue; (xi) it is more than a minor departure. Correspondence has also been received from lawyers acting on behalf of the three parties threatening Court proceedings. The responses from these parties are more detailed and are summarised (and the points raised responded to) within Appendix F.

33. Having carefully considered them all, it is not believed that any of the responses received contain sufficient reasons not to proceed with the recommendations in this report.
34. Cabinet will also note (among other aspects) from Appendix E:
 - a) that once land has been acquired by the Council for planning purposes it may be disposed of in accordance with the terms of section 233 of the TCPA 1990;
 - b) there is a need for the Council to consider the human rights of those affected, including: Article 1 Protocol 1 Convention rights (peaceful enjoyment of possessions); Article 8 Convention rights (the right to respect for private and family life, the home and correspondence); and Article 6 Convention rights (in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing); and
 - c) the need for the Council to comply with the public sector equality duty ("PSED") under section 149 of the Equality Act 2010.

The legal acquisition process to override property rights

35. The previous section and Appendix E set out the legal context. As one of the requirements for section 203 of the HPA 2016 to be engaged is that the land must have been acquired by the local authority (in this case for planning purposes), the Council will need to acquire a legal interest in the site.
36. Appendix G is a plan showing the greatest extent of the planning boundary for the Scheme. From this, it can be seen the site is made up of three sections. Land to the west of the railway viaduct; the arches within the railway viaduct and associated circulation space; and, land to the east of the railway viaduct.

37. The nature and extent of development on the railway arch land is such that it will not interfere with rights of light. The Developer is also confident the land is not the subject of other third party rights. That being the case, it is not necessary to include the arches in the acquisition.
38. The land to the west of the viaduct is in two parcels:
 - a) The site of the former Ludgate House is owned freehold by LHL (under title TGL62703), shown on the plan at Appendix A. It is proposed to transfer the freehold of this parcel to the Council with the immediate grant by Southwark of a 999-year lease back to LHL.
 - b) LHL occupies the Airspace Land (title number TGL54167), shown on the plan at Appendix B, by way of a 250-year lease from 2019. It is proposed to assign this lease to the Council with the immediate grant of a 249-year sub-lease to LHL.
39. The land to the east of the viaduct is the site of the former Sampson House, shown on the plan at Appendix C. This is owned freehold by SHL (and forms part of the title TGL138850) and it is proposed to transfer the freehold to the Council with the immediate grant by the Council of a 999-year lease back to SHL.
40. The freehold transfers between the Council and LHL and SHL and the assignment from LHL to the Council will be the subject of put and call option agreements allowing the parties to require a transfer of the freeholds and the Airspace Land back after a minimum period of 20 working days without penalty. This is because the purpose of the land transfers is to enable the provisions of sections 203 – 205 HPA 2016 to apply to the land and not for the Council to retain a legal interest in the land.
41. This structure ensures the interests being transferred to and from the Council have a nominal value. The transfers are only effected subject to the put and call option, which strips out any value. The transfer and leaseback for nil consideration will therefore satisfy the best consideration requirements of s233 of TCPA 1990 and s123 of the Local Government Act 1972.
42. The Council will acquire a legal interest in the land for the purposes of s203 HPA 2016 but the arrangements will result in neither any financial detriment nor financial benefit.
43. To further protect the Council's position, it shall be a pre-condition of any property transfer between the Council and the Developer that the parties enter into an indemnity agreement covering the matters set out in principles (e), (f) and (g) of the policy framework for overriding property interests. The indemnity will be backed by financial guarantee provisions.
44. Cabinet is asked to agree this general approach to the structure of property

transactions between the Council and the Developer and to delegate to the Director of Planning and Growth authority to negotiate detailed terms and to conclude the legal formalities.

Community, equalities (including socio-economic) and health impacts

Human rights implications

45. The overriding of property rights recommended in this report will interfere with Article 1 First Protocol Convention Rights. In the context of rights of light the interference would be significant for many of the properties affected ie the infringement would be substantial enough that the relevant rights holder could seek an injunction to prevent the Scheme from infringing their rights. At this stage, no infringement has been identified for any other class of property right.
46. Article 1 of the First Protocol allows for interference with rights if it is in the public interest and in accordance with the law. Therefore, the use of planning powers as contemplated by this report is lawful in Article 1 terms provided the Council strikes a fair balance between the public interest and the private rights protected by Article 1.
47. In considering this balance it is relevant that compensation is available to persons affected by the interference with their rights of light. Members will also want to consider the very considerable public benefits that will arise from the Scheme as referred to in Appendix D. Officers are of the view that there are compelling benefits in the public interest which, when weighed against the private rights of individuals, justify the interference with Article 1 rights in this case, and that such interference is proportionate.
48. The overriding of rights held by adjacent properties would also interfere with Article 8 rights. Interference with the rights of light may have an adverse effect in Article 8 terms on home and family life. Article 8 does though, allow for interference if it is proportionate and in the public interest. In terms of rights of light, it is considered that the impact will not be so great as to result in an interference with Article 8 rights, but if there were an interference then it would be proportionate and justified. Officers are of the view that the public benefits of the Scheme, taken together with the compensation payable in respect of the overriding of rights, mean that the interference with rights in this case is proportionate and in the public interest.
49. As regards Article 6 Convention Rights (right to a fair and public hearing), disputes as to compensation can be referred for hearing by the Lands Chamber of the Upper Tribunal. It should also be noted that those whose rights are affected have been notified and offered the opportunity to make representations to the Council. For these reasons, Article 6 is complied with.
50. Officers have also considered whether there is any infringement of

Articles 9 (freedom of thought, conscience and religion), 11 (freedom of peaceful assembly and association) or 14 (freedom from discrimination) of the Convention; in each case it is considered that there is no infringement.

Public Sector Equality Duty

51. 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 PSED. This is an ongoing obligation.
52. The decision before the Cabinet is whether to acquire land in order to engage section 203 of the HPA 2016 to override property rights to enable a consented planning scheme to be implemented. This is discussed in detail in Appendix H to this report.
53. Careful consideration has been given to whether the overriding of property rights will be consistent with the PSED and its goals. There is a wide range of residential property types, and some commercial properties, among those that benefit, or potentially benefit, from the rights in question. The Scheme would infringe those rights.
54. It is not considered that infringement of these property rights would affect members of any protected characteristics group differently from the rest of the general population. There are no types of accommodation that would be particularly accommodating of people with protected characteristics such as elderly care homes or houses for partially sighted persons. There is no reason to think that the infringement of rights would have a disproportionate impact on any protected characteristics group including age or disability. Whilst some of the rights will be held by some people with protected characteristics, it is not considered this effect will be disproportionate on such persons or that there will be any discrimination or inequality of impact.
55. Equality and health analysis demonstrates that the policy shows no potential for discrimination and the Council has taken all appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics.
56. As is set out elsewhere in the report, compensation is payable to persons whose rights have been affected. In making its decision the Cabinet must weigh up the benefits that will arise from the recommendations against the adverse impacts.

Whether the use of the Council's powers would be justified

57. This question involves testing the proposed use of the powers against the legal and policy guidance framework set out in Appendix E. Members are referred to Appendix H of this report, where that exercise has been undertaken in detail.

58. Cabinet will note among other aspects from Appendix H that it is considered that:
- a) the tests set out in sections 226(1)(a) and 226(1A) of the TCPA 1990 are satisfied;
 - b) overriding the rights would facilitate the carrying out of the Scheme and the public benefits it would bring;
 - c) those public benefits are very significant and would outweigh the impacts on the rights of those parties who hold the rights;
 - d) it is necessary to interfere with the rights in this particular case for a number of reasons as set out in paragraph 6 of Appendix H;
 - e) there is a compelling case in the public interest to override the rights on the basis of the very significant public benefits that would accrue from the Scheme. In particular, there is no reasonable alternative way of developing the site to achieve the outputs of the consented scheme without interfering with third party rights.
 - f) there are good reasons for depart from principle (d) of the Council's 2016 policy on the use of overriding powers (i.e. not insisting on negotiations having failed with all affected rights holders) in this particular case; and
 - g) the principles of the June 2016 policy are met (or the particular circumstances of this case justify a departure from principle (d)).

Climate change implications

59. The Scheme has planning consent and was considered against the Council's full range of environmental policies. The environmental benefits of the development are included in the description of the scheme at Appendix D.

Resource implications

60. Implementation of the recommendations in this report will require some staff input. These will come from Regeneration and Legal. Where rights are interfered resulting in a loss in value to the affected property, the owner is entitled to compensation for that loss. Liability for compensation rests in the first instance with the Developer but if for some reason payment is not made then the owner can claim compensation from the Council. Implementation of the recommendations is conditional on the Developer indemnifying the Council in full against any costs, including staff costs and compensation payments arising and a draft indemnity agreement has been provided by the Developer. Therefore, there will be no negative cost implications but the process will require staff resources.

Legal implications

61. These are set out in the concurrent report of the Director of Law and Governance below.

Financial implications

62. It is a condition of the implementation of the recommends in this report that the Developer indemnifies the Council against all costs arising from this matter. In the circumstances, therefore there are no financial implications for the Council arising from the recommendations in this report.

Consultation

63. Internally there have been consultations between officers in Regeneration, Legal and Finance.
64. There is no statutory requirement to consult prior to acquiring land under s227 TCPA 1990 nor to the use of powers under s203 HPA 2016. Nevertheless, the council has notified the residents of affected properties as set out in paragraphs 31 to 33, and the responses to that notification are summarised in Appendix F.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

65. The purpose of this report is to recommend the acquisition and disposal of land so that the provisions of s203 of the Housing and Planning Act 2016 (HPA 2016) will be engaged. These provisions enable the overriding of third party rights so that development can be carried out even if it interferes with the rights of others (s203(1)).
66. Section 203 applies to building work where a) there is planning consent for the work; b) the work is carried out on land that has become vested in or acquired by a specified authority. There have been various planning consents and variations to planning consents for this development but the key point is that there will need to be a planning consent in place when work is carried out which interferes with third party rights if s203 is to be engaged.
67. The work must be carried out on land that has been acquired by a specified authority, in this case the Council. It is necessary for the Council to acquire an interest in the land in order that s203 will be engaged. The report explains that the Council will acquire a freehold interest in the land, and immediately grant a sublease back to SHL or LHL as appropriate, the interest to be acquired under s227 TCPA 1990. No premium will be paid as the acquisition will be for nominal consideration and subject to the long lease, so there are no adverse financial consequences for the Council. Suitable security for any liabilities the Council may incur will be obtained in addition to the indemnity to be provided by the developer. The terms of the recommendations in this report delegate authority to the Director of Planning and Growth to negotiate this.
68. The grant of a lease back will amount to a disposal under s233(1)(a)

TCPA 1990 which allows Councils to dispose of land acquired for planning purposes. Land so acquired can be disposed of to such person, in such manner and subject to such conditions as appear to the authority to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it. S233(3) requires any disposal to be for the best consideration that can reasonably be obtained. The report confirms that there will be no value in the lease such that the requirements of s233(3) are satisfied.

69. The Council will enter into a put and call option agreement with each of SHL and LHL to enable the leases to be surrendered and the land transferred back after a short period of time such that the land will revert back to the relevant developer with the benefit of the powers to override third party interests contained in s203 HPA 2016. There is no requirement for the land to be held by the Council for any particular period of time, so the transfer back of the land after a short period of time is lawful. As long as the work has planning permission it is not a requirement that the work is carried out by or on behalf of the local authority. It also does not matter that the work is carried out pursuant to a different planning permission to that which is currently implemented on the site. The council is aware of future changes to the Scheme and the legislation allows for this.
70. Section 204 HPA 2016 provides that a person is liable to pay compensation for any interference with a relevant right or interest authorised by s203. In this case that will be the relevant developer. However should the developer fail to pay that liability will be enforceable against the authority pursuant to s204(3). For that reason the Council will obtain a full indemnity and financial security in respect of all its costs in connection with the recommendations in this report, including, but not limited to, compensation payable to those whose rights have been interfered with.
71. Decisions relating to the acquisition of land for less than £100,000 are delegated to the relevant chief officer rather than decided by Cabinet pursuant to part 3C of the Council's constitution. Disposals of land of a value of less than £750,000 are delegated in the same way. Since the purpose of the acquisitions and disposals recommended by this report is to engage the powers set out in s203 HPA 2016, which has potential implications for a number of people whose rights might be affected, it is appropriate that these decisions are taken by Cabinet, and not delegated. In addition since the decision requires a departure from the Council's 2016 policy on the use of s227 TCPA 1990 and s237 TCPA (now replaced by s203 HPA 2016) to override rights, that is a matter for Cabinet. The departure from policy is considered necessary for the reasons set out in the report.
72. The Council has received advice from leading counsel in the use of its powers under TCPA 1990 and HPA 2016 and in the light of the Council's

own 2016 policy. Further specialist legal advice will be sought if necessary as the matter progresses.

Strategic Director of Finance and Governance (CE21/062)

73. This report is requesting cabinet to agree the acquisitions and simultaneous granting of leases of the freehold sites at Ludgate House and Samson House to facilitate the development, redevelopment or improvement of the land. Full details are contained within the main body of the report.
74. The Strategic Director of Finance and Governance notes that the recommendations are subject to Ludgate House Limited (LHL) and Sampson House Limited (SHL) entering into agreements with the council with financial security arrangements, to fully indemnify the council against any costs arising from these arrangements, including, but not limited to, the payment of compensation.
75. The terms of the indemnity agreement will need to be examined in detail enabling due consideration for all financial and VAT implications to ensure the Council's interests are best protected.
76. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Policy for considering intervention under the TCPA 1990 to enable redevelopment to proceed	160 Tooley Street, London SE1 2QH	James Oates 020 7525 5633
Link: https://moderngov.southwark.gov.uk/documents/s62024/June2016Policy.pdf		
Planning Committee report 12/AP/3940	160 Tooley Street, London SE1 2QH	Terence McLellan 020 7525 5365
Link: https://moderngov.southwark.gov.uk/documents/s41084/Report.pdf		
Planning Committee report 18/AP/1603	160 Tooley Street, London SE1 2QH	Terence McLellan 020 7525 5365
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/documents/s87389/Report%20Sampson%20House%2064%20Hopton%20Street%20London%20SE1%209JH.pdf		

APPENDICES

No.	Title
Appendix A	Plan of Ludgate House
Appendix B	Plan of Airspace Land
Appendix C	Plan of Sampson House
Appendix D	Description of site, planning and public benefits
Appendix E	Legal and policy framework
Appendix F	Summary of responses to notification letter
Appendix G	Bankside Yards planning boundary
Appendix H	Whether the use of the Council's powers would be justified

AUDIT TRAIL

Cabinet Member	Councillor Helen Dennis, Climate Emergency and Sustainable Growth	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	James Oates, Regeneration North	
Version	Final	
Dated	7 January 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		7 January 2022

Item No. 17.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Barnwell House, St Giles Road, Camberwell, London SE5 7RP – Disposal of Freehold Interest	
Wards affected:		St Giles	
From:		Councillor Helen Dennis, Climate Emergency and Sustainable Development	

FOREWORD - COUNCILLOR HELEN DENNIS CABINET MEMBER FOR CLIMATE EMERGENCY AND SUSTAINABLE DEVELOPMENT

This report proposes the sale of the council's freehold interest in Barnwell House, St Giles Road, Camberwell, London SE5 7RP to Peabody, who currently let out the 22 properties there at social rent. Peabody have had a long lease on this property, which is situated in a conservation area, since 1985, and would like to acquire the freehold in order to continue providing these properties for their tenants. This decision will allow current arrangements to continue and will generate a capital receipt for the council, which can be used among other things to support the delivery of new homes and community infrastructure. A covenant has been agreed that will protect a proportion of existing units as socially rented accommodation, and ensure that any future redevelopment delivers socially rented homes. It also proposes that responsibility for ensuring that the council receives best consideration for this property is delegated to the Head of Property, in accordance with council policy.

RECOMMENDATIONS

That the Cabinet authorises

1. The Head of Property to agree terms to dispose of the council's freehold interest in Barnwell House, St Giles Road, Camberwell, London SE5 7RP to Peabody as outlined within the closed report.
2. The earmarking of the capital receipts for the purposes of funding the Council's Capital Programme.
3. The Head of Property to carry out any further negotiations with the purchaser which may be required prior to completion of the transaction.

BACKGROUND INFORMATION

4. Barnwell House comprises a post war collection of 3 and 4 storey buildings situated on the corner of St Giles Road and Brunswick Villas, opposite Brunswick Park, SE5. The Property benefits from generous and well-kept amenity space as well as a residents car park. The Property is identified in bold outline on the attached Ordnance Survey extract, at Appendix 1

5. This residential block contains 22 two and three bedroom flats let by Peabody on secure and assured tenancies. These flats are let at social rents as set out in a schedule detailed in the closed report.
6. Barnwell House was originally constructed and occupied as 'married staff accommodation' for the Metropolitan Police in the early 1950's. The Property then passed to the Council in the 1980's who in turn granted a long lease to Peabody who have managed and maintained it continuously since then. Externally the buildings appear to be in a reasonable condition given their age and specification. However internally and based on a sample inspection of flats these differ substantially in condition with some requiring complete redecoration and renewal of kitchen and bathroom fittings.
7. The Property has been let on a 35 year lease to Peabody since 1985 and is currently subject to a lease extension on the same terms ending on the 31 March 2022.
8. Peabody has a long history of providing homes for those in need within the borough, throughout London and far beyond. Its relationship with Southwark Council is strong and productive. Peabody draws upon 150 years of history and expertise. As well as a housing provider they also deliver an extensive range of community programmes.
9. The rent payable under the lease to the council is set out in a prescribed form and comprises the sum of all rents received by the tenant from the sub tenants minus various allowances including charges for repairs, maintenance and management.
10. A summary of the rent received by the Council during the period ^t April 2015 to 31 March 2020 is set out in a schedule in the closed report. The rent for the remaining period of occupation is yet to be agreed between the parties.
11. The Property is held in the council's general Fund.
12. A valuation of the Property was commissioned by the council's property team in 2019 to inform negotiations. The latest update to that valuation carried out by the Council's property consultants Lambert Smith Hampton (LSH) was produced in January 2020. An executive summary of this is included in the closed report. A further update has not been sought from since then.
13. Authority to sell is delegated to the Head of Property in individual cases where the sale price is below a set council threshold. The sale price of the Property will significantly exceed this £750,000 limit and cabinet approval is therefore required in this instance.
14. The Property has been declared surplus to the council's requirements by the Director of Planning and Growth.

KEY ISSUES FOR CONSIDERATION

15. In accordance with the principles and policy of good asset management laid down by government, together with local authority regulations, councils are required to dispose of surplus property assets subject to best consideration and/or market value requirements. The sale of the freehold in Barnwell House, St Giles Road on the terms outlined in the closed report will comply with these requirements.
16. The subject property has not been openly marketed however an independent valuation by external valuers which supports the agreed terms has been obtained.
17. Peabody throughout the negotiations has consistently maintained that they have no current plans to redevelop the Property. Appropriate sales overage and clawback provisions have been negotiated between the parties and will form part of the sales contract to protect the council's position in the unlikely event that Peabody sells on the Property or decides to redevelop it in the future.
18. A covenant has also been agreed that will protect a significant proportion of the existing units as socially rented accommodation until such time as the Property may one day be redeveloped.
19. During the course of negotiations a number of other options were examined, appraised and dismissed including the grant of a long lease and the possible reservation of rights by the council to build on top of the existing structures. The course of action outlined and recommended in this report was developed in consultation with the Strategic Director of Housing and Modernisation as well as ward Councillors.
20. The terms of the proposed transfer of the freehold interest to Peabody has been scrutinised and appraised by the councils Asset Investment Board. This board comprises officers, cabinet members and external consultants when required. It was initially constituted to provide the necessary governance, direction and oversight in investment processes. This was the first time the board had considered a potential disposal of a council asset.
21. Each party will be responsible for their own professional fees incurred in this matter.

Policy framework implications

22. The disposal of the Property will generate a substantial capital receipt, which will be used to provide capital funding in support of the council's key priorities. This includes facilitating and supporting Southwark's ambitious new council homes programme in relation to the provision of non-residential elements such as new schools, community facilities and affordable workspace.
23. The Head of Property advises that the recommended terms represent best

consideration reasonably obtainable for this transaction. This therefore meets the council's statutory duties under Section 123 of the Local Government Act 1972.

Community, equalities (including socio-economic) and health impacts

Community impact statement

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 :
 - a. Age
 - b. Civil partnership or marriage
 - c. Disability
 - d. Gender reassignment
 - e. Pregnancy and maternity
 - f. Race
 - g. Religion or belief
 - h. Sex or sexual orientation.

26. In order to discharge its public sector equality duty, in considering the recommendations of this report the Cabinet must have due regard to the possible effects of them on any groups sharing a protected characteristic. This is an ongoing obligation.

27. The decision is believed to have minimal impact on the residents of Barnwell House as well as local people and communities. However, the capital receipt to be realised as a result of the transaction will assist with delivery of the council's corporate objectives, achieving its stated budget principles and working together with communities towards a 'fairer future for all'.

28. Peabody has recently (October 2021) undertaken a resident consultation exercise at Barnwell House. There were no responses or replies to this. This also included an online consultation session in October where no residents attended.

Equalities (including socio-economic) impact statement

29. An equality and health impact analysis of the proposed decision has been undertaken

Health impact statement

30. There are no Health impacts arising as a result of the decisions recommended by this report.

Climate change implications

31. There are no climate change impacts arising as a result of the decisions recommended by this report.

Resource implications

32. The disposal of this property will bring in a capital receipt to fund council's capital programme. This ambitions programme includes supporting and enabling Southwark's new council homes programme in the provision of non-residential elements such as educational facilities, community infrastructure and affordable work space .
33. The Properties have been declared surplus to the council's requirement by the Director of Planning and Growth.
34. Disposals expenditure would include reasonable incidental management and legal charges which would be reimbursed from receipts.
35. There will a loss of rental income as a result of this disposal which will be contained within the overall property services budgets. The transfer of the freehold will not be completed until all outstanding rent, as mentioned in closed version of the report, has paid to the council.
36. There are no other risks or costs involved.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**Director of Law and Governance**

37. Section 1, Localism Act 2011 grants councils a general power of competence whereby a local authority has the power to do anything that individuals generally may do. However, that power does not enable a local authority to do anything which it is unable to do by virtue of a pre-commencement statute which imposes limitations on the Council's power of disposal.
38. Section 123, Local Government Act 1972 states that except with the consent of the Secretary of State, a council shall not dispose of land under that section otherwise than by way of a short tenancy for a consideration less than the best that can be reasonably be obtained.
39. The report confirms that external professional advice has been obtained concerning the market value for the site and that this represents best consideration. Cabinet may therefore proceed with the approval of the recommendation

Strategic Director of Finance and Governance (CE21/053)

40. This report is requesting Cabinet to authorise the Head of Property to agree terms to dispose of the council's freehold interest in Barnwell House, St Giles Road, Camberwell, London SE5 7RP to Peabody as outlined within the closed report and to carry out any further negotiations with the purchaser which may be required prior to completion of the transaction.
41. This report is also requesting Cabinet to authorise earmarking of the capital receipts for the purposes of funding the Council's Capital Programme.
42. The Strategic Director of Finance and Governance notes that the property has been declared surplus by the Director of Planning and Growth. It is also noted that professional advice is being sought from Lambert Smith Hampton to assess the market value of the property. The capital receipts generated from the disposal will be recycled into the capital programme to fund projects in line with council priorities.
43. The Strategic Director of Finance and Governance also notes that there will be loss of income (as set out in the closed report) as a result of this disposal which will be contained within the overall property services budgets and notes that the transfer of the freehold will not be completed until all outstanding rent, as mentioned in closed report, has paid to the council.
44. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

VAT implications from Corporate Finance

45. The disposal of a General Fund categorised property asset at Barnwell House, SE15 2DW will generate capital receipts due to the council (in excess of £750,000), which will be exempt from VAT (no VAT payable) as the property is residential accommodation.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	OS plan, indicating the property - highlighted in bold

AUDIT TRAIL

Cabinet Member	Councillor Helen Dennis, Climate Emergency and Sustainable Development		
Lead Officer	Eleanor Kelly, Chief Executive		
Report Author	Paul Davies, Principal Surveyor		
Version	Final		
Dated	6 January 2022		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Director of Law and Governance	Yes	Yes	
Departmental Finance Manager	Yes	Yes	
Cabinet Member	Yes	Yes	
Date final report sent to Constitutional Team			6 January 2022

TITLE.

Barnwell House,
St. Giles Road, SE5 7RP.

APPENDIX 1



DRAWING No.

LBS_3926

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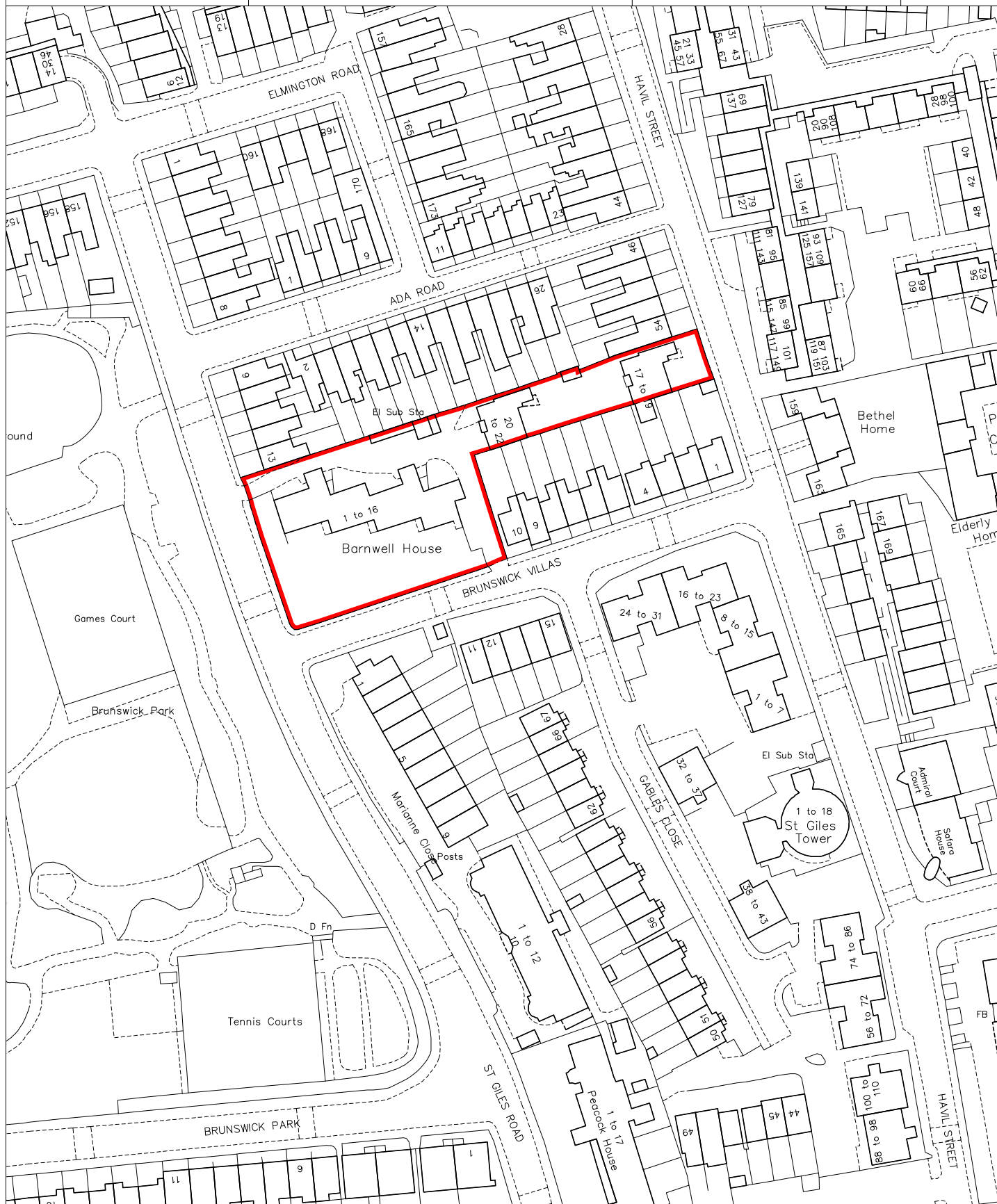
MMANKTELOW
Property Division

Original Scale - 1:1250

DATE.

16/6/2020

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Item No. 18.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Bromyard House, Ledbury Estate Compulsory Purchase Order	
Ward(s) or groups affected:		Old Kent Road	
Cabinet Member:		Councillor Stephanie Cryan, Council Homes and Homelessness	

FOREWORD - COUNCILLOR STEPHANIE CRYAN, CABINET MEMBER FOR COUNCIL HOMES AND HOMELESSNESS

In 2017 concerns were raised by a resident about the fire safety of the four tower blocks on the Ledbury Estate. We took swift action, and have worked closely with resident to secure the future of the Ledbury Estate. Following a successful ballot in March 2021 where the residents in the four tower blocks voted to regenerate the estate, we have allocated a project team, appointed a design team, worked closely with Ledbury residents and the local community to prepare designs, and gained approval to take the scheme to planning and a budget to appoint a contractor to deliver 340 high-quality new homes, the majority of which will be for council rent. These replacement homes will meet the commitment made in the Landlord offer to Ledbury residents. As well as replacing existing homes, we will also be building additional and much needed new council homes to help meet the needs of the 16,200 households on our housing allocations list.

This report seeks authorisation to bring forward a Compulsory Purchase Order to enable the delivery of the first development sub-phase on the Ledbury estate.

This will not only assist with the delivery of new homes but also in the provision of several benefits for the Ledbury community. This will include a new larger multi-use TRA hall as voted for by the community, a new football pitch and better play spaces and green spaces across the estate including a net gain in the number of trees. Wider estate improvements, which will help to integrate new and existing spaces, include an enhanced BMX track and a shared surface road providing a direct route from Bird in Bush Road on to Pencraig Way and an improved outlook and enhancements for the benefit of Camelot Primary School. The proposals also include non-residential space, which is anticipated will bring economic benefits to the local community.

Whilst negotiations are significantly progressed with all leasehold interests in the site, the Council's aim is to secure vacant possession by agreement. However, to give certainty to delivery, to secure GLA funding, and provide much needed new homes for Southwark residents it is necessary to commence the CPO process.

RECOMMENDATIONS

1. That Cabinet resolves to make a Compulsory Purchase Order under Section 226 (1)(a) of the Town & Country Planning Act 1990 (“the 1990 Act”) for all land and rights within the Phase 1 area of land identified within the plan at Appendix 1 for the purposes of facilitating the redevelopment, development and improvement of the land and securing the delivery of new homes on the site in line with the proposed planning consent (“the Scheme”) and thereby securing vacant possession of Bromyard House and the regeneration of the Ledbury Estate
2. That the Director of Planning and Growth, in consultation with the Director of Housing, be authorised on behalf of the Council to:
 - a. take all necessary steps to secure the making, confirmation and implementation of the Order including the publication and service of all notices and the presentation of the council’s case at Public Inquiry should one be called.
 - b. Acquire for planning purposes all interests in land and new rights within the CPO area as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of the land interests and/or for new rights over their land (as appropriate), the payment of compensation and dealing with any blight notices served in connection with the CPO;
 - c. Approve agreements with land owners setting out the terms for the withdrawal of objections to the CPO, including where appropriate seeking the exclusion of land or new rights from the CPO or giving undertakings as to the enforcement of the terms of the CPO;
 - d. Make any minor additions, deletions or amendments to the extent of the land to be included in the CPO as shown in Appendix 1 should the need arise, so as to include all interests in land and rights required to facilitate the construction, maintenance and use of the Scheme;
 - e. Take all necessary actions in relation to any legal proceedings relating to the CPO, including defending or settling (as appropriate) any compensation claims referred to the Lands Chamber of the Upper Tribunal due to the making or implementation of the CPO, and to take all necessary steps in respect of any other legal proceedings that relate to the making, confirmation or implementation of the CPO;
 - f. Appoint and/or retain such external professional advisors and consultants as are necessary to assist the Council in facilitating the

Scheme, including in the promotion of the CPO and the settlement of any compensation claims.

BACKGROUND INFORMATION

3. The decision to redevelop the Ledbury Towers, including Bromyard House, followed a long process of engagement with residents, subsequent to concerns that were raised with safety of the blocks in 2017 and culminated in July 2021 in Cabinet taking the formal decision to redevelop the blocks. A detailed history of this engagement and decision making process is contained within reports set out in the Background Documents, and is summarised below.
4. In June 2017, following concerns raised about the fire safety of the four tower blocks on the Ledbury Estate, the Council instructed an urgent investigation into the safety and structural integrity of the towers. The Council engaged Arup to carry out intrusive investigations into the structure of Bromyard House as part of these works. Bromyard House was chosen for these pilot works as it was the block at the time with most empty properties. It did however require the move of a small number of households, including leaseholders, into temporary accommodation to allow this work to take place.
5. The subsequent findings from Arup confirmed that the strengthening works required during the original construction of the towers by the GLC had not taken place and that the structural integrity was compromised and in early 2021 a resident ballot was held on the future of the towers. The result of the ballot was that the majority voted for the demolition of the four tower blocks and provided a mandate for redevelopment and provision of additional new homes on the estate.
6. Following the result of the ballot in July 2021 the Council's Cabinet agreed a way forward for the Ledbury estate, which would see the four towers, including Bromyard, demolished. Cabinet also approved officers to proceed with the building of a minimum of 333 homes on the Ledbury Estate, with a variation to the Housing Investment Programme for funding of £5.4M to take the project, subject to planning consent, out to tender for a contractor.
7. Bromyard has been chosen as the first phase of the scheme as it is a stand-alone block set further back from the Old Kent Road than the three other Ledbury towers, with vacant public realm surrounding it, which can help facilitate redevelopment. It also has the benefit of the block not being occupied at present, which means that vacant possession of the block should be more straightforward to achieve than the other tower blocks where a number of residents are still in occupation.

KEY ISSUES FOR CONSIDERATION

The Scheme

8. The existing Ledbury tower blocks, including Bromyard House, are large panel system construction, built by Taylor Woodrow between 1968 and 1970 and are former GLC properties which transferred to Southwark Council in 1982.
9. The proposed scheme for the redevelopment of the Estate as a whole will deliver approximately 340 new homes across a range of tenures, with at least 50% of the new homes being council homes at council rents. These new council rent homes will provide permanent homes for existing residents of the Ledbury tower blocks, those with the right to return and a number of households on the council's housing waiting list.
10. The new scheme will replace the predominately existing hard landscaping and underutilised sporadic pockets of green space surrounding the towers and will provide new soft landscaping both in the form of accessible open green space and play space, which will be an increase in the quantum, quality and so useability. The green space will also include disaggregated play equipment for younger age groups as well areas for quiet enjoyment for other age groups. This will bring the benefits of improving the public realm not just for the residents of the new development but the wider community as well.
11. The wider development will also include improvements to the existing MUGA, a new tenants and residents hall which will be 10% larger than the existing hall and which will be considerably modernised to include improved facilities such as broadband provision for remote working and multi-use space. The project will also see new trees planted and the provision of non-residential space, which will add economic benefits for the whole local community.
12. The proposed scheme for the redevelopment of the Bromyard Site will deliver 83 homes, comprising 57 for council rent and 26 for market sale.
13. In addition to housing, at the rear of the new homes, planting and trees will be included along with play space for younger children adjoining the existing estate courtyard. To integrate with the new development the existing courtyard is to be separately improved as part of the Council's Great Estates commitment. There will also be a dedicated area for older children to the east of the site. Overall, these additions and improvements to the existing landscaping will bring improvements for not just the new development but the wider estate as well.
14. It is envisaged that planning permission for the scheme as a whole (including the Bromyard site) will be sought in early in 2022.

15. The early delivery of new homes on the Bromyard site is a key priority for the programme as it will deliver a number of new Council homes and rehousing options for tenants and leaseholders in later phases of the development, supporting the delivery of vacant possession of these later phases of development.

Funding

16. Cabinet approved funding for the delivery of the entire scheme, in December 2021, which included the commitment in the Council's Housing Investment Programme of £149.58M to "enter into a Works contract following approval of a contractor appointment", alongside a further commitment "£19.16 million of on costs required to take the project to Practical Completion."

Vacant Possession

17. Bromyard House contains 56 residential properties. At the time that the defects associated with the block were first identified in 2017 a total of 48 of the properties were occupied by households on secure tenancies, 6 properties were held leasehold, having previously been purchased under the right to buy and two were being held as voids.
18. To date and under the voluntary scheme for tenants to move from the estate into another secure tenancy, with an option to return, the Council has successfully rehoused 44 of the 48 households who occupied properties in Bromyard House on secure tenancies, granting them an option to return to the redeveloped estate.
19. Under the voluntary scheme for leaseholders to sell their properties to the Council implemented in December 2017 the Council has acquired three leasehold interests in Bromyard House. Although at that time it was envisaged that a refurbishment of the blocks would take place, the voluntary buy back scheme that the Council put in place enabled those leaseholders who sold their properties early in the process to benefit as if the Council was buying the properties pursuant to a CPO. This meant they were entitled to a loss payment alongside reasonable legal and other costs associated with the Council's acquisition of their property and their purchase of a replacement property.
20. In late 2018 the Council determined that it required possession of one block to enable intrusive surveys to fully determine whether repair works to the blocks could be undertaken. Bromyard House was chosen as the block with the fewest residents remaining in at that time. The Council therefore worked in early 2019 to temporarily move all remaining tenants and leaseholders from the block, whilst these intrusive surveys were conducted.
21. By July 2021 when Cabinet agreed the redevelopment of the blocks, these tenants and leaseholders had not returned and were still living temporarily in other properties. However, there were still four extant secure tenancies in

the block and three leasehold interests which remain, although the building itself is empty.

22. Whilst the four secure tenants have been moved to temporary housing, their secure tenancies in Bromyard House still remain. The Council's Area Housing Office continues to work with these remaining four secure tenants and their households to facilitate moving their secure tenancy to another property.
23. Since July 2021 the Council has also secured agreement with two of the remaining three leaseholder interests in the block and lawyers have been instructed in regard to the acquisitions of those properties. There is therefore just one leasehold interest where terms are still to be agreed.
24. The remaining leasehold interest to be acquired was a non-resident leaseholder before the decision was taken to empty the block, and the leaseholder's tenants who were previously occupying have moved on and are now residing elsewhere in other private rented accommodation not related to the scheme.
25. In addition to the secure tenants and the leasehold interests set out above a mobile phone telecoms aerial is located on the roof of Bromyard House, which is protected by the Electronic Communication Code. Officers have served the necessary legal paperwork to terminate the aerial tenancy and the formal notice for the telecoms equipment to be removed. However, to facilitate a consensual agreement to remove the equipment at Bromyard House, discussions are ongoing with the Operator with regard to the temporary replacement of the telecommunication equipment on another local Council estate in order that the network in the area can be maintained short term. In the longer term the aerial is proposed to be permanently re-located to another Council owned residential block on the Old Kent Road.
26. Negotiations to acquire the remaining leasehold interest are ongoing, and the council's aspiration is to acquire this outstanding interest and move the phone aerial by agreement and thereby secure vacant possession of the block and complete the redevelopment of the site without the need to utilise its statutory compulsory purchase powers.
27. However, the making, confirmation and implementation of a compulsory purchase order on Bromyard House is recommended to achieve certainty of acquiring all the interests and other property within the envisaged timescale and to mitigate risk to the project.

Statutory powers

28. Bodies which have compulsory purchase powers, such as a local authority, may make a compulsory purchase order (CPO), but the powers may not be exercised until that order has been confirmed by the Secretary of State, who must be satisfied that the powers are to be used for their proper purpose

and that there is a compelling case in the public interest for the use of those powers.

29. There are a number of different Acts which provide the powers for Local Authorities and other bodies to exercise compulsory purchase powers. The principal CPO powers applicable to the provision of housing are contained within Section 226 (1)(a) of the Town and Country Planning Act 1990 or Section 17 of the Housing Act 1985.
30. The s.17 power may be used where the purpose is the provision of housing accommodation that will achieve a qualitative and/or quantitative housing gain. Whilst the s.226(1)(a) power may be used if the CPO is likely to facilitate the carrying out of redevelopment or improvement on or in relation to the land acquired will contribute to the economic, social, environmental wellbeing of the area. Both Acts however require the Council to demonstrate there is a compelling case in the public interest for use of CPO powers.
31. The Council has considered the use of either power in relation to bringing forward a CPO on Bromyard House but considers that the most effective and appropriate power in deliver the redevelopment of the Ledbury towers to be Section 226 (1)(a) of the Town and Country Planning Act 1990.

Use of CPO powers

32. Officers acknowledge that compulsory purchase powers should only be exercised if there is a compelling case in the public interest. Members should be sure that the purpose for which CPO powers are sought sufficiently justify interfering with the human rights of those with an interest in the land affected.
33. The background to this project has already been set out above and the steps taken to acquire the affected interests in Bromyard House described.
34. Whilst it is acknowledged that whilst the Council only confirmed the redevelopment of the Ledbury towers in July 2021, officers recommend that it is appropriate to bring forward a CPO at this point in time. The government's key document governing Compulsory purchase process and powers is titled "Guidance on Compulsory purchase process and The Crichel Down Rules". The guidance states that whilst "compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects ... if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:
 - plan a compulsory purchase timetable as a contingency measure; and

- initiate formal procedures

This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations."

35. Officers consider that in the case of Bromyard House and the proposed redevelopment timescale to meet funding requirements, this meets the test set out in the government guidance where it is appropriate to initiate formal procedures at an early stage in order to secure vacant possession of the land required.
36. Officers are satisfied that the Scheme underlying the CPO will contribute to the well-being of both the local area and deliver wider benefits for the Southwark. The first phase of redevelopment will significantly contribute to and promote the overall social and environmental well-being of the area through the delivery of new high quality, energy efficient homes, planting of new trees, new play equipment for young people and through the new and improved areas of public realm which will better integrate the existing streetscape.
37. As a result of identifying the separate stages/phases of development of the Ledbury towers site, it is proposed that the CPO boundary only comprise the first stage of development, that being Bromyard House. However, it is likely that a further CPO report will be brought forward at a later stage in the project to secure vacant possession of Peterchurch House, Sarnsfield House, Skenfrith House and surrounding land, should it not prove possible to obtain full vacant possession by agreement.

Appropriation

38. The Council intends that the CPO only covers the land occupied by Bromyard House. All public realm surrounding the site of Bromyard House and which forms part of the first phase of the development of the Ledbury Towers is envisaged to be dealt with by a separate report which will come forward to appropriate this land for planning purposes. If approved, this will ensure that any rights over that land are not injunctable rights and are only compensatable rights, therefore enabling the development to proceed without risk.

Policy framework implications

39. As set out in previous reports the new homes on the estate will align and comply with National, and Regional policies including the newly adopted London Plan (2021), as well as Local Planning policy frameworks including the Old Kent Road Area Action Plan (OKR AAP) and the emerging New Southwark Plan.
40. The New Southwark Plan is now at an advanced stage. The New Southwark Plan (NSP) was submitted to the Secretary of State in January 2020. The Examination in Public (EiP) for the NSP took place between

February and April 2021. The Inspectors wrote a post hearings letter on 28 May 2021 and under Section 20(7)(c) of the Planning and Compulsory Purchase Act (2004) the Council asked the Inspectors to recommend Main Modifications to ensure the Plan is sound. The Council consulted on the Main Modifications as recommended by the Inspectors from 6 August 2021 to 24 September 2021. The Inspectors will publish their report once they have had the opportunity to consider representations. It is anticipated that the plan will be adopted in early 2022 and will replace the saved policies of the 2007 Southwark Plan, the 2011 Core Strategy, the Aylesbury Area Action Plan 2010, the Peckham and Nunhead Area Action Plan 2014 and the Canada Water Area Action Plan 2015. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework. The Inspectors have heard all the evidence submitted at the Hearings and in previous stages of consultation. The Main Modifications comprise the changes to policies the Inspectors consider are needed to ensure the Plan is sound.

41. The council is preparing an Area Action Plan/Opportunity Area Planning Framework for Old Kent Road (AAP/OAPF) which proposes significant transformation of the Old Kent Road area over the next 20 years, including the extension of the Bakerloo Line with new stations along the Old Kent Road towards New Cross and Lewisham. The extension of the Bakerloo Line will enable substantial growth, with the number of homes rising from 14,500 to 34,500 and the number of jobs rising from 10,000 to 20,000. The policies in the plan will guide new development to provide urgently needed housing and jobs, while providing new opportunities and improving the lives of people who live and work there now. The document refers to the fact that proposals to improve and build new homes are being developed in consultation with residents of the Ledbury Estate.
42. Consultation has been underway for 5 years, with a first draft published in 2016. The December 2020 draft version was consulted on between 11 January 2021 to 10 May 2021. As the document is still in draft form, it can only be attributed limited weight.

Community, equalities (including socio-economic), health and human rights impacts

Community impact statement

43. Section 149 of the Equality Act 2010 lays out the Public Sector Equality Duty (PSED) which requires public bodies when taking decisions, to have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;

- c) Foster good relations between those who share a relevant characteristic and those that do not share it.
44. The Council through a process of regular review has been considering the impact on all protected groups throughout the development of the Council's proposals for all regeneration projects within the borough. This has led to the Council developing rehousing policies for tenants and leaseholders affected by regeneration proposals in the borough.
45. The redevelopment proposals entail the demolition of 56 homes in Bromyard House, which are no longer fit for purpose and where the residents of the estate have voted for redevelopment rather than refurbishment. The Scheme as a whole will significantly address the poor quality of the existing physical environment, whilst the re-provision of new homes will be of a high quality and compliant with current statutory policies, requirements and regulations including fire safety and sustainability.
46. The delivery of new homes on the Bromyard House site will provide residents on the rest of the Ledbury estate with the option to move to this part of the estate in advance of the demolition of their blocks, whilst it also offers an opportunity for residents who have moved from the estate an option to return should they so wish. The new homes will be of the same space standards as their previous homes or above in line with the terms set out in the Landlord Offer document.
47. The provision of half of the additional homes for council rent will address the housing need identified on the Ledbury Estate and provide homes for others across the borough with most need for safe and secure housing.
48. Across the development as a whole there will also be an increase in both the quantum and useability of green space, as well as an increase in quantum and variety of play space, new commercial spaces and a new and modernised tenant hall for the benefit of all estate residents.
49. While these scheme benefits are significant and compelling they must however be weighed against any potential dis-benefits. The council has given detailed consideration to the potential adverse impacts of bringing forward the proposed redevelopment and promoting the associated CPO. The Council has conducted an Equalities Impact Assessment (EqIA) for the Ledbury project as a whole which was presented to Cabinet in July 2021. This EqIA has since been further updated and an updated EqIA was presented to Cabinet in December 2021.
50. The EqIA identified that the Council has a range of measures in place to mitigate any potential impacts of regeneration proposals, including:
- a) Rehousing policies through the Council which provide a range of local re-housing opportunities that enable residents to move locally (if they choose to do so) to a new home that meets the needs of their family and financial position.

- b) A dedicated team of officers which supports both tenants and leaseholders through the rehousing process.
- c) Providing support and guidance about a range of routes to all residents affected by regeneration but with particular focus on those that may be vulnerable or in need of additional support.
- d) The development of new homes in the borough which will provide high quality homes to modern standards for residents in the borough to move to.

51. In most CPOs the primary potential area for direct adverse impacts arises from the requirement for households currently resident within the Site to be relocated outside of the Site in order to allow for the construction of the development in line with the proposed planning application. In the case of Bromyard House however, whilst there are some remaining interests within the site, no residents actually currently reside in the development area.
52. For those residents that have already moved from the development area, the Council has offered an option to return to the new development and has a detailed rehousing offer for secure tenants, resident leaseholders and non-resident leaseholders which is set out in the Ledbury Offer document, which provides detailed support to enable these residents to remain within the local area. It is therefore considered that any potential adverse impacts are fully mitigated by the Council's policies and there is therefore a compelling case in the public interest for the scheme to proceed and therefore for the council to promote a CPO for the site.
53. Therefore, the Council considers that the potential impacts of the scheme are fully addressed through the operation of its rehousing policies and provision of dedicated support and guidance available through Council officers and local independent organisations that provide support and guidance to Ledbury Estate residents.
54. Following review of the updated EQIA the actions the Project team will be taking forward is analysis of feedback received from engagement and consultation carried out since July of this year, and where possible, continue to use it to inform and shape the design proposals throughout the duration of the project. The project will continue to review the make-up and needs of individuals and residents who are affected by the rehousing process and will continue to monitor any resulting impacts. The Council will also seek to update and expand upon this information throughout the ongoing process as it continues to discharge its public sector equality duty.
55. In human rights terms, the compulsory acquisition of land will interfere with Article 1 First Protocol Convention Rights. However Article 1 of the First Protocol allows such interference if it is in the public interest and in accordance with the law. The use of CPO powers as contemplated by this report is lawful in Article 1 terms provided that the Council strikes a fair balance between the public interest and the private rights of

individuals which are protected by Article 1. It is also relevant that compensation is available by persons affected by compulsory acquisition in certain circumstances. It is considered that the compelling benefits of the Scheme in the public interest justify the interference with Article 1 rights in this case when weighed against the private rights of individuals.

56. As regards Article 6 Convention Rights, there are well-established statutory procedures that will give all of those likely to be affected by a CPO the right to be notified and the opportunity to object. Any such objections may cause a public inquiry to be held where those objections can be heard. Compensation disputes can be referred for hearing by the Lands Chamber of the Upper Tribunal. For these reasons Article 6 is complied with.

Health impact statement

57. There are no direct health impacts as a result of this report, whilst a health impact statement covering the programme as a whole is included within the December 2021 Cabinet report.

Climate change implications

58. There are no direct climate change impacts as a result of this report, but a detailed summary of the climate change implications of the redevelopment as a whole is contained within the December 2021 Cabinet report.

Resource implications

59. Appropriate resourcing through the Chief Executive's department and the My Southwark Homeowners Team is in place to deliver the acquisition of leasehold interests on the estate, whilst the Ledbury Team is in place to deliver the rehousing of secure tenants.
60. The New Homes Delivery Team is in place to take forward the delivery of the new homes on the site, including the securing of planning permission and a developer to deliver the scheme.

Legal implications

61. The compulsory purchase procedure is complex and has regard to a variety of factors. Details of relevant procedural and legal matters are set out below in the legal concurrent from the Director of Law and Governance.

Financial implications

62. In December 2017 Cabinet approved funding of £10M for the buy back of leasehold interest on the Ledbury estate. The cost of securing vacant

possession of Bromyard House, including bringing forward a CPO, are contained within these existing financial resources.

Consultation

63. The redevelopment of the Ledbury towers has been the subject of extensive consultation over a number of years, since 2017, which culminated in the majority of residents voting in favour of the redevelopment proposals. Consultation will be ongoing. A summary of the consultation to date has been set out in the July 2021 Cabinet report and further updated in the December 2021 Cabinet report.
64. In addition, a dedicated webpage www.southwark.gov.uk/ledburytowers has been set up where all information related to the project is posted, including letters to residents, the weekly newsletters that commenced in September 2017 and copies of all the reports and Fire Risk Assessments related to the blocks.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

65. The purpose of this report is to make, and subject to confirmation, to implement, a compulsory purchase order under section 226(1)(a) of the 1990 Act.
66. Section 226(1)(a) of the 1990 Act gives local authorities the power to compulsorily acquire land in their area 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. The use of the power is limited by s226(1A) which provides that a local authority must not exercise the power unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of three objects, namely the promotion or improvement of the economic, social or environmental well-being of their area.
67. Paragraphs 9 to 15 set out a summary of the economic, social and environmental well-being benefits the implementation of the Scheme will bring to the area.
68. Appendix 2 provides further detail on the legal powers available to the Council in connection with the use of its CPO powers and the curbs on the use of those powers, further detail on the Human Rights and Equalities implications of the use of those powers. There is also detail of the CPO process including the entitlement of affected parties to compensation.

Strategic Director of Finance and Governance (H&M 21/117)

69. This report seeks Cabinet approval to implement a compulsory purchase order under section 226(1)(a) of the 1990 Act with the aim to secure vacant

possession of Bromyard House and facilitate Phase 1 of the regeneration of the Ledbury Estate. As outlined in the financial implications section of this report, the cost of securing vacant possession of Bromyard House are contained within the existing financial resources approved for the regeneration of Ledbury Estate, the cost of which will be met from funds available to the council's Housing Investment Programme.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Ledbury Estate Towers - Future redevelopment update Cabinet, December 2021	Housing and Modernisation 160 Tooley Street	Mike Tyrrell Mike.tyrell@southwark.gov.uk
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/mgIssueHistoryHome.aspx?Id=50027427&Opt=0		
Ledbury Estate Towers update on resident ballot and future redevelopment Cabinet, July 2021	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=7388		
Ledbury Estate Towers - Ledbury Towers Residents' Ballot Cabinet, February 2021	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=7281		
Ledbury Towers Arup Structural Survey Report Cabinet, October 2019	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6963		
Ledbury Towers Update Cabinet, July 2019	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6871		
The Way Forward: Ledbury Estate high rise blocks Cabinet, November 2018	Housing and Modernisation 160 Tooley Street	

Background Papers	Held At	Contact
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6619		
Local Lettings scheme for Southwark Council tenants living at Bromyard House, Peterchurch House, Sarnsfield House and Skenfrith House on the Ledbury Estate IDM, February 2018	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6447		
Ledbury Estate - Next Steps Update Cabinet, February 2018	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6417		
Ledbury Estate - Next Steps Cabinet, January 2018	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6408		
Ledbury Estate - Arup Structural Survey Report Cabinet, December 2017	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6372		
Southwark Council's Buy-back Offer for Ledbury Towers Leaseholders Cabinet, December 2017	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6371		
Ledbury Estate - Tenants right to return IDM, November 2017	Housing and Modernisation 160 Tooley Street	
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6335		
Appointment of Keepmoat for Emergency Works at Ledbury Estate Cabinet, September 2017	Housing and Modernisation 160 Tooley Street	

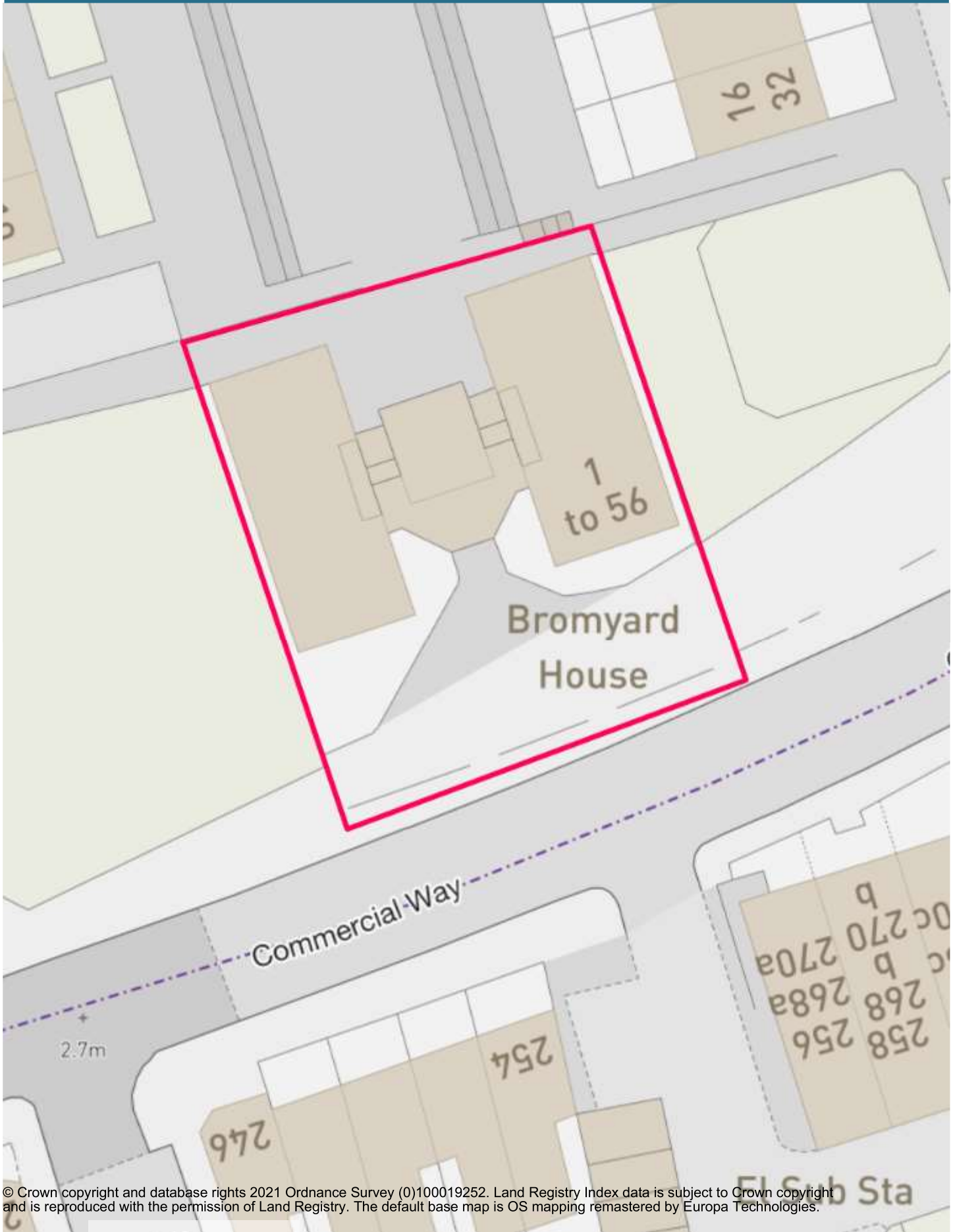
Background Papers	Held At	Contact
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6274		

APPENDICES

No.	Title
Appendix 1	CPO red line boundary
Appendix 2	Legal summary

AUDIT TRAIL

Cabinet Member	Councillor Stephanie Cryan, Council Homes and Homelessness	
Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation	
Report Author	Marcus Mayne, Principal Surveyor	
Version	Final	
Dated	6 January 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		6 January 2022



APPENDIX TWO**Bromyard House, Ledbury Estate Compulsory Purchase Order
Procedural and Legal matters****Acquisition of Leasehold Interests**

1. The Council holds the freehold interest of all the land within the area shown edged red on the Plan at Appendix One. The site contains a block of flats known as Bromyard House.
2. The Housing Act 1985 gives qualifying Council tenants the right to buy their homes. Six tenants at Bromyard House purchased their homes under these provisions.
3. The Council can only repurchase these leases in the following circumstances:
 - where there is agreement with the leaseholder; *or*
 - following a confirmed compulsory purchase order.
4. The statutory compensation code provides that a leaseholder is entitled to the following compensation following a compulsory acquisition:
 - the market value of the interest acquired;
 - a home loss payment; this is 10% of the market value where the leaseholder lives at the property or 7½% of the market value where the leaseholder lives elsewhere; and
 - a disturbance payment to cover the leaseholder's reasonable costs arising as a direct and natural result of the compulsory acquisition, this might include removal costs, legal fees, surveyors fees and adaptation expenses.
5. Where an acquisition takes place by agreement ahead of the exercise of compulsory purchase powers the leaseholder is treated in the same way and with the same entitlement as would be the case if there was a compulsory purchase order.

Outline of Compulsory Purchase Procedure*Resolution*

6. The Cabinet passes a resolution to make an Order. This is the purpose of this report.

Referencing

7. The Council assembles information that provides details of all owners, mortgagees, tenants and occupiers. This is to both identify what

APPENDIX TWO

Bromyard House, Ledbury Estate Compulsory Purchase Order Procedural and Legal matters

interests need to be acquired and who is entitled to receive a notification of the publication of the Order. This stage will enable the precise details of the Order areas to be determined. The boundaries shown edged red on the plan at Appendix One may need subtle amendment in the light of this and it is recommended that the Director of Planning and Growth be given delegated authority to set the order extents.

Resolving planning and finance

8. In considering an Order the Minister needs to be confident that the proposals behind it are likely to come to fruition. In this connection s/he will need to be satisfied that there are no significant planning or financial obstacles that will frustrate it.

Making the Order

9. The Council makes the Order, to a prescribed format. A schedule accompanies the Order identifying ownership details of all land within it. A Statement of Reasons must also be prepared to accompany the Order. This is a critical document that may be challenged by objectors and therefore needs careful drafting.

Publication of the Order

10. The Council serves notice of making of the Order on all owners, mortgagees, tenants and occupiers affected by it. A notice of the making of the Order has to be published for two successive weeks in a local newspaper.
11. The notices will advise objections to it can be made to the relevant Government Minister and specify an address for this purpose. The Order is then passed to the Government Minister for confirmation.

Confirmation of the Order

12. The Order does not become effective unless confirmed by the Minister. Where there are objections to the Order they must be considered before confirmation. This is usually done by way of a public inquiry (which can take days or weeks) but can sometimes be dealt with by written representations.
13. After considering the objections [if there has been a public inquiry there will be an Inspector's Report] the Minister may confirm all or part, modify or reject the Order. If it is rejected that is the end of the process and the Council will need to revisit its plans.

APPENDIX TWO

Bromyard House, Ledbury Estate Compulsory Purchase Order Procedural and Legal matters

14. Following confirmation of the Order or if applicable, modification, a notice advising of this must be published in the local newspaper and all leaseholders, tenants and occupiers should also have a notice served on them. A confirmed Order should be implemented within three years to retain its validity.

Taking Possession

15. This can be achieved by either Notice to Treat/Notice of Entry or by using General Vesting Declaration procedure. The latter is usually considered the most appropriate as it transfers both the right to possession and title of the land to the Council.

Power to make a Compulsory Purchase Order

16. Section 226 of the Town and Country Planning Act 1990 is the recommended enabling provision in this instance for the purpose of compulsorily acquiring the interests required to progress the implementation of the redevelopment of the site. The detailed application and use of this power is set out in paragraphs 17 - 25 below.

Legal Implications

17. Section 226(1)(a) of the Town and Country Planning Act 1990 (the Act) (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) is the appropriate power in this instance to secure the compulsory acquisition of properties within Bromyard House forming part of the Ledbury Estate redevelopment. Section 226(1)(a) enables authorities to exercise their compulsory purchase powers if they think that the land in question will:

"Facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement."

18. The Council, in exercising its power under this Section must have regard to section 226(1A) which states:

"(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is 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;

APPENDIX TWO

**Bromyard House, Ledbury Estate Compulsory Purchase Order
Procedural and Legal matters**

their (b) *The promotion or improvement of the social well being of area;*

being (c) *The promotion or improvement of the environmental well-being of their area."*

19. It is considered that the use of this section is therefore most appropriate having regard to the Council's aspirations for the estate as a whole. The interests to be acquired by the Order are required in order to permit the redevelopment of the area to take place. The proposal also satisfies the "well being" element of the Act in that the rebuilding of Phase 1 is clearly required in order to provide a better standard of accommodation for residents compared to its current state and to create a sustainable and diverse community, and the provision of new facilities which are able to meet the needs of the area. Thus the proposals will inevitably assist in promoting the social economic and environmental well being of the area.
20. Government Guidance on the use of CPO powers (Compulsory Purchase and the Crichel Down Rules – July 2019 –“the Guidance”) sets out the circumstances in which this power may be relied on by a local authority for the purposes of compulsorily acquiring land. It recognises that compulsory purchase powers under the Act provide an "important tool" to local authorities in assisting them to acquire and assemble land where it is necessary to help deliver social, environmental and economic change.
21. The Guidance acknowledges that CPO powers are intended as a last resort to secure land assembly for the implementation of projects, but that time may be lost if an authority waits for negotiations to break down before starting the process. Authorities may therefore plan a compulsory purchase timetable as a contingency measure and initiate formal procedures. This will also help to make the seriousness of the authority's intentions clear from the outset, which might encourage more meaningful negotiations.
22. For the purposes of confirming a compulsory purchase order, the Guidance identifies considerations which will be taken into account by the Secretary of State in making such a decision.
23. In particular, if an acquiring authority does not have a clear idea of how it intends to use the land which it is proposing to acquire, and cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale, it will be difficult to show conclusively that the compulsory acquisition of the land included

APPENDIX TWO

**Bromyard House, Ledbury Estate Compulsory Purchase Order
Procedural and Legal matters**

in the order is justified in the public interest, at any rate at the time of its making.

24. The Guidance also makes clear that compulsory purchase of land needs to be set within a clear strategic framework. The planning framework providing the justification for an order should be as detailed as possible and where development plan documents have been through the consultation processes but have not yet been examined or are awaiting the recommendations of the planning inspector, this will be given due weight.
25. However the Guidance recognises that it may not always be possible to wait until planning permission has been obtained.
26. As is already set out in this report, officers will continue to seek to negotiate the acquisition of interests by agreement rather than relying solely on the compulsory acquisition powers available. Section 120 of the Local Government Act 1972 contains wide powers for local authorities to acquire land by agreement for any of their statutory functions or for *'the benefit, improvement or development of their area'*. Section 227 of the Town and Country Planning Act 1990 also enables a council to acquire land by agreement for facilitating the carrying out of development, redevelopment of improvement and for the social economic and environmental well being of the area. It is considered therefore that there are adequate powers available to the Council to secure outstanding interests in the land by Agreement.
27. The initial stage of the compulsory purchase process will be to ensure that the Council correctly identifies all necessary interests in the Order land that need to be incorporated within the schedule of the Order. As the Council is the freeholder much of this information should be readily available. Nonetheless it is advised that formal requisitions for information should be served on all known owners, mortgagees and occupiers of each property to be subject to the Order pursuant to Section 5A of the Acquisition of Land Act 1980. It is important that the Council takes all reasonable steps to ensure that all interests are properly captured in the Order and are properly notified, the requisition for information is a means of ensuring the Council fulfils this.
28. In the event that the Order is confirmed, the next stage will be to vest all necessary title in the Council. In these circumstances as has already been mentioned, the best means of doing so will be way of the General Vesting Declaration Procedure. This is something that can be carried out by the Council's legal advisors as and when this stage is achieved.

APPENDIX TWO**Bromyard House, Ledbury Estate Compulsory Purchase Order
Procedural and Legal matters****Human Rights Considerations**

29. The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention").
30. In proposing the Order the Council has duly considered the rights of property owners under the Convention, notably under the following Articles: *Article 1 of the First Protocol*. This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international law.
31. The Council has also considered the rights contained within Article 8 of the convention, which protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well being of the country.
32. In relation to these Convention rights the Council has been conscious of the need to strike a balance between the rights of the individual and the interest of the public. In light of the significant public benefit that would arise from the redevelopment of the Ledbury Estate and Bromyard House in particular it will be appropriate to make the Order, if the relevant leaseholder interests cannot be acquired by agreement. Objections can be made against the Order that will then have to be considered by the Secretary of State before he decides whether or not to confirm the Order.

Community Impact Statement

33. The effect of the negotiated acquisition or compulsory purchase order will be to dispossess persons of their rights in land. This is a necessary process to ensure the redevelopment of Bromyard House and the wider Ledbury Estate can proceed. This is considered acceptable where the proposals are in the public interest and where, as in this case, the advantages of redevelopment substantially outweigh the disadvantages to those dispossessed.
34. The redevelopment of the Ledbury Estate is considered to have benefits to the immediate community but also the Borough as a whole in that it will act as a catalyst to further investment. It is therefore necessary to balance the benefits that could be provided by the proposed scheme against the possible impact to those with an interest in the affected land. In carrying out this exercise a degree of proportionality should therefore be adopted. The Human Rights of these individuals have accordingly been considered and commented upon in this report.

APPENDIX TWO**Bromyard House, Ledbury Estate Compulsory Purchase Order
Procedural and Legal matters**

35. The furtherance of the redevelopment will not negate the Council's Diversity and Equal Opportunities policies. Indeed in the long term it is anticipated the diversity of the area will be widened.
36. Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to:
 - a. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
37. The Council must, in order to comply with this Public Sector Equality Duty, take steps to ensure that it considers equalities issues throughout the compulsory purchase process and has due regard to its duties under the Equality Act.

Consultation

38. There has been extensive consultation with Ledbury Estate residents [including tenants and leaseholders] at all stages of the development culminating in the ballot earlier this year. Consultation will continue as the development proceeds.

Item No. 19.	Classification: Open	Date: 18 January 2022	Meeting Name: Cabinet
Report title:		Report of the Overview and Scrutiny Committee: Southwark's Climate Strategy and Action Plan	
Ward(s) or groups affected:		All	
From:		Overview and Scrutiny Committee	

RECOMMENDATIONS

1. That cabinet note the recommendations of overview and scrutiny committee arising from representations from Extinction Rebellion Southwark in respect of the council's climate action plan, paragraph 9 of the report.
2. That cabinet request that the cabinet member for climate emergency and sustainable development reports back to cabinet on the recommendations within eight weeks.

BACKGROUND INFORMATION

3. At its meeting held on 1 December 2021, the overview and scrutiny committee received a presentation from representatives of Extinction Rebellion Southwark in connection with the council's Climate Strategy and Action Plan.
4. In addressing the overview and scrutiny committee, Extinction Rebellion Southwark highlighted areas where they felt the structure of the council's climate strategy and action plan could be improved, and suggested the following:
 - The inclusion of SMART targets and key indicators for each action to enable effective monitoring/scrutiny of performance against the plan, both by the council and external interested groups.
 - Outlining potential cost against each action and indicating where funding might come from.
 - Aligning the climate action plan with other council policies, such as the New Southwark Plan, Waste Strategy and Movement Plan and having these policies in one place so that they are readily accessible.
5. In terms of timescales for inclusion of the actions in paragraph 4 above, Extinction Rebellion Southwark asked for these to be actioned now on the

basis that it would be difficult to indicate what has been achieved against the action plan when undertaking the annual review if it has not been set out at this stage - what is going to be achieved and by when.

6. Extinction Rebellion Southwark suggested that scrutiny councillors undertake training to ensure effective ongoing monitoring of the Climate Action Plan. This was suggested with hindsight of their own experience as a climate emergency interest group having challenges with trying to understand the details of this complex issue.
7. Extinction Rebellion Southwark also highlighted the need and importance of councillors increasing knowledge and awareness of the climate emergency and being able to speak to the issue of carbon emissions reduction. This was highlighted in the context of concern around a siloed approach to the climate emergency and the need to broaden the reach of the issue beyond the existing climate emergency networks/forums.

KEY ISSUES FOR CONSIDERATION

8. Following the presentation from Extinction Rebellion Southwark, questions and discussion, and hearing from the cabinet member for climate emergency and sustainable development, the overview and scrutiny committee agreed to make recommendations to cabinet, as detailed in paragraph 9 below.
9. That the cabinet member for Climate Emergency and Sustainable Development be recommended to:
 - Revise Southwark's Climate Action Plan to include smart targets throughout, including staged timeline and funding requirements and allocation against each action and policy.
 - Carry out a review to ensure the alignment and integration of all council policies with the Climate Action Plan.
 - Arrange for training for all councillors on monitoring of the delivery of the Climate Action Plan, to be delivered immediately following the 2022 council elections.
 - Return to the overview and scrutiny committee meeting scheduled for 2 March 2022 with a timeline of when the above recommendations will be actioned.
10. It is for the cabinet to decide whether or not to accept the recommendations of overview and scrutiny committee.
11. Overview and scrutiny procedure rule 15.3 requires cabinet to consider and provide a written response to the report within two months.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Overview and Scrutiny Committee agenda and minutes – 1 December 2021	Southwark Council Website	Everton Roberts Everton.roberts@southwark.gov.uk 020 7525 7221
Link: https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=308&MId=7003&Ver=4 (See item 8)		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Member	Councillor Ian Wingfield, Chair, Overview and Scrutiny Committee	
Lead Officer	Doreen Forrester-Brown, Director of Law and Governance	
Report Author	Everton Roberts, Head of Scrutiny	
Version	Final	
Dated	6 January 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 January 2022

CABINET AGENDA DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2021-22**

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Paula.thornton@southwark.gov.uk

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