

Cabinet

Tuesday 8 March 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

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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: 28 February 2022



Cabinet

Tuesday 8 March 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 MEETINGS PROTOCOL

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[Document Protocol for physical meetings post-lockdown - Southwark Council](#)

MOBILE PHONES

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

1. APOLOGIES

To receive any apologies for absence.

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

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

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

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

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 2 March 2022.	
6.	MINUTES	1 - 9
	To approve as a correct record the minutes of the open section of the meeting held on 1 February 2022.	
7.	DEPUTATION REQUESTS	
	To consider any deputation requests. The deadline for the receipt of a deputation request is midnight Wednesday 2 March 2022.	
8.	CLIMATE CHANGE CITIZENS' JURY - RECEIPT OF RECOMMENDATIONS REPORT	10 - 19
	To agree to consider all the recommendations from the jury and to bring forward a full response in June 2022.	
9.	RESPONSE TO THE REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - SOUTHWARK'S CLIMATE STRATEGY AND ACTION PLAN	20 - 28
	To welcome the recommendations of the overview and scrutiny committee, agree the response and related recommendations.	
10.	BOROUGH PLAN INTERIM PERFORMANCE REPORT 2018-2022	29 - 53
	To note the council's performance over 2018-19 – 2021-22 against the Council Plan 2018-2022 and refreshed Borough Plan 2020-2022.	

Item No.	Title	Page No.
11.	POLICY AND RESOURCES STRATEGY: REVENUE MONITORING REPORT, INCLUDING TREASURY MANAGEMENT 2021-22	To follow
	To note the General Fund forecast outturn position for 2021-22 and related recommendations.	
12.	EMPTY HOMES FUNDING IN THE PRIVATE SECTOR	To follow
	To note the report and recommend bids for capital funding to help increase the number of properties brought back into use across the borough.	
13.	PROGRESS REPORT ON INSOURCING OF LEISURE SERVICES	54 - 71
	To note the progress that has been made in respect of the delivery of the project plan, the challenges and opportunities associated with insourcing, and management of risk in respect of the insourcing of the leisure service.	
14.	LINDLEY ESTATE - APPROPRIATION FOR PLANNING PURPOSES	72 - 85
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	
15.	LOMOND GROVE, ELMINGTON ESTATE - APPROPRIATION FOR PLANNING PURPOSES	86 - 99
	To approve the appropriation of the land to facilitate the carrying out of the development proposals for the area.	
	DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING	

EXCLUSION OF PRESS AND PUBLIC

The following items are included on the closed section of the agenda. The Proper Officer has decided that the papers should not be circulated to the press and public since they reveal confidential or exempt information as specified in paragraphs 1-7, Access to Information Procedure Rules of the Constitution. The specific paragraph is indicated in the case of exempt information.

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

Date: 28 February 2022



Cabinet

MINUTES of the OPEN section of the Cabinet held on Tuesday 1 February 2022 at 11.00 am at the Council Offices, 160 Tooley Street, London SE1 2QH

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

1. APOLOGIES

Apologies for absence were received from Councillors Kieron Williams and Jason Ochere.

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

The chair gave notice of the following late items:

Item 10: Policy and Resources Strategy 2022-23 to 2024-5
Item 11: Policy and Resources Strategy: capital monitoring report, including capital programme update 2021-22.

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

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

None.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. PUBLIC QUESTION TIME (15 MINUTES)

None were received.

6. MINUTES

RESOLVED:

That the minutes of the open section of the meeting held on 18 January 2022 be approved as a correct record and signed by the chair.

7. DEPUTATION REQUESTS

None were received.

8. RESIDENTIAL CARE CHARTER

RESOLVED:

1. That the implementation of a Southwark Residential Care Charter as set out in paragraph 7 of the report be agreed.
2. That the introduction of a Southwark Supplement for staff in Southwark care homes to ensure that staff are paid at least the London Living Wage, as set out in paragraph 11 of the report be agreed.

9. GATEWAY 1 - PROCUREMENT STRATEGY APPROVAL - INTEGRATED COMMUNITY EQUIPMENT SERVICE

RESOLVED:

1. That the procurement strategy for the provision of integrated community equipment by Southwark Council, under the Section 75 agreement with Southwark Council and South East London (SEL) Clinical Commissioning

Group (CCG), via the pan-London consortium's newly procured Integrated Community Equipment Service (ICES) call off contract which is anticipated to commence on 1 April 2023, and will run for five years, with the option to extend for an additional two years (1yr +1yr), at an estimated annual cost of £980,000, an estimated five year total cost of £4.9m and an estimated five year plus two years total cost of £6.8m for Southwark Council be approved.

2. That it be noted that Southwark Council and SEL CCG continue to deliver the ICES service under the current Section 75 (s75) agreement, whereby the council contribute 35% of the contract cost, and SEL CCG contribute 65%.
3. That it be noted that Southwark Council continue to be the lead commissioner for this contract in the borough, and be responsible for contract management.
4. That it be noted that as part of the joint commissioning arrangement between Southwark Council and South East London Clinical Commission Group (SEL CCG) (Southwark), SEL CCG will continue to be represented at the regular integrated community equipment service (ICES) management board meetings and will continue to be consulted with and included in any decision making processes relevant to the service.
5. That it be noted that the financial modelling is yet to be completed by the consortium lead as part of the pre-procurement work, however, the estimated spend for Southwark Council based on the current framework, is £4.9m for the proposed initial five year contract term.

10. POLICY AND RESOURCES STRATEGY 2022-23 TO 2024-25

It was not possible to circulate the report five clear days in advance of the meeting. The chair agreed to consider this item urgently as cabinet were required to prepare a budget proposal for submission to council assembly. This was the last cabinet meeting before council assembly on 23 February 2022 and the council tax setting committee. The council is required to set a lawful budget by 11 March 2022.

Councillor Ian Wingfield, chair of the overview and scrutiny presented a summary of the committee's recommendations to cabinet.

RESOLVED:

1. That it be noted that the final local government finance settlement had not been published at the time of writing the report, no changes from the provisional settlement published on the 16 December 2021 are anticipated.
2. That it be noted that this report presents the final balanced general fund budget proposals for 2022-23 including:
 - Un-ringfenced settlement funding assessment grant of £153.6m, a

- modest increase of £1.1m on 2021-22
- Other grant income of £93m, an increase of £14.8m on 2021-22 but including £8m of one-off services grant funding and an increasing amount of ring-fencing
 - Estimated retained business rates income of £17m, a decrease of £1.9m from 2021-22
 - Estimated council tax revenues of £128.608m, 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 2022-23 of £6m after allowing for spreading adjustments
 - Pay provision and contractual inflation of £7.3m.
3. That the updated Fairer Futures Medium Term Financial Strategy (including Budget Principles) at Appendix G of the report be approved.
 4. That it be noted that the Greater London Authority (GLA) is expected to increase its council tax precept by 8.8% following publication of the Mayor's draft budget in late December 2021.
 5. That it be noted that the GLA council tax precept is due to be set on the 24 February 2022, one day after council assembly sets the budget for Southwark, therefore a council tax setting committee will need to be convened.
 6. That the current budget options proposed to help achieve a balanced 2022-23 budget (Appendices B to E of the report) be noted including:
 - Efficiency savings of £6.962m
 - Net income increase of £5.181m
 - Savings impacting on services of £3.610m
 - Commitments and growth of £17.564m.
 7. That it be noted, in order to ensure that the base budget is on a secure financial footing a contingency is proposed for 2022-23 of £4m for temporary accommodation.
 8. That the departmental narratives and the ongoing equality analyses of the budget proposals (Appendix A of the report) be noted.
 9. That it be noted that the 18 January 2022 cabinet report was considered by overview and scrutiny committee on 24 and 25 January 2022.

NOTE: In accordance with overview and scrutiny procedure rule 16.2 (a) (budget and policy framework) these decisions are not subject to call-in.

11. **POLICY AND RESOURCES STRATEGY: CAPITAL MONITORING REPORT, INCLUDING CAPITAL PROGRAMME UPDATE 2021-22**

It was not possible to circulate the report five clear days in advance of the meeting due to the continued monitoring and review of the financial impact of the pandemic on the council's overall capital programme and financial position. The chair agreed to consider this item urgently as the council regularly updates cabinet on the capital monitoring position. This was important in the current circumstances of the Covid-19 pandemic, and its financial impact on the council's overall financial position.

RESOLVED:

1. That the forecast outturn and resources for 2021-22 and future years for both the general fund and housing investment programmes as detailed in Appendices A, B and D of the report be noted.
2. That virements and variations to the general fund and housing investment capital programme as detailed in Appendix C of the report and the new capital bids contained within the report and summarised at Appendix E of the report be approved.
3. That the significant funding requirement of £305m which needs to be identified for the general fund programme to be fully delivered over the remaining term of the programme, as detailed in Appendix A of the report be noted.
4. That the borrowing requirement of at least £1bn for future years for the housing investment programme to be fully delivered over the remaining term of the programme, as detailed in Appendix B of the report be noted.
5. That the significant contribution the capital programme is making towards the objectives of the council's climate change strategy (see paragraphs 19-20 of the report) be noted.

12. **GATEWAY 0: CHILDREN'S RESIDENTIAL PROVISION**

RESOLVED:

1. That, as part of the corporate parent family, this strategic options assessment, which recommends opening up to three homes within the borough so that our children in care, who deserve the best start in life, achieve better outcomes, be approved.
2. That the next steps set out in the report be noted.

13. GRANTS AND COMMISSIONING REVIEW

Cabinet heard representations from representatives of the voluntary and community sector who were also involved in the review process.

RESOLVED:

Decisions of the Cabinet

1. That the findings of two independent reviews i) the Southwark Stands Together grants review be noted, that examined whether there are obstacles to Black, Asian and minority ethnic groups making successful grant applications (Appendix 1 of the report); and ii) the community investment review which looks at the effectiveness of funding to deliver outcomes (Appendix 2 of the report).
2. That the allocation of an additional £400k in grant funding, with £200k of this to be available specifically for groups that self-identify as Black Asian and minority led be approved. The funding will support our community organisations to recover from pandemic impacts, to thrive and self-organise, to strengthen networks, partnerships, and equalities infrastructure and support more inclusive and responsive service delivery. This funding is additional to the other funding which will remain available for all community groups as advertised.
3. That it be noted that organisations will be identified as Black Asian and minority ethnic led if the organisation self identifies as Black Asian or minority ethnic led and 75% of the governing body, ie board of trustees, directors, management committee, and 50% of the senior staff of the organisation, (key decision-makers) self-identify as being from that specific community or identity.
4. That all grant and commissioning teams collect data about the protected characteristics not only of service users of organisations we are considering funding or commissioning, but also the composition of the board or management of an organisation, so we are able to identify who is leading the groups we fund and as well as those who are not successful in their applications or tenders.
5. That officers be tasked with building a database of Black, Asian and minority ethnic led organisations in the borough, so we are better able to include and act positively to encourage and support Black Asian and minority ethnic led groups to access funding opportunities.
6. That council officers, working with community representatives and the voluntary and community sector (VCS), will develop a funding prospectus for the council over the next nine months that will support the delivery of the Borough Plan. This will be presented to cabinet in autumn 2022 for approval. The prospectus will:
 - Apply council wide

- Be created in partnership with our key VCS and health partners in two phases
 - Include a review of the current voluntary community sector (VCS) outcomes framework
 - In phase one we will focus on developing our priorities
 - In phase two we will work with our partners on how we will deliver the outcomes and priorities together.
7. The funding prospectus will also set out how we will address other issues that have emerged from both reviews and identify how council procurement processes can reflect the learning from this work, including:
- How we support organisations grow and bid successfully to deliver larger programmes
 - How we involve Black Asian and minority ethnic community representatives in the grant making assessment process to make it more transparent and fair
 - How we can substitute the current colour blind approach to our funding for a more nuanced intersectional one.
 - How we remain informed by the data and evidence we are receiving across the council and embed flexibility.
 - How we can ensure that we continue to ring fence funding for Black Asian and minority ethnic led organisations beyond the programme described above.
8. That this grants programme be co-produced with community representatives including representatives of Black, Asian and minority ethnic groups.

Decision of the Leader of the Council

9. That approval of the criteria and award of grants for the pot of £400,000 and the £200,000 set aside for Black, Asian and minority ethnic groups be delegated to the cabinet member for equalities, neighbourhoods and leisure.

14. LETTINGS AND PREMISES STRATEGY - VOLUNTARY AND COMMUNITY SECTOR

RESOLVED:

1. That the commissioning of a project to define a comprehensive approach to using property assets to support the local voluntary and community sector (VCS), with a clear, transparent, consistently applied process and criteria for informing the allocation and use of community spaces be agreed.
2. That it be noted that a specification for commissioning advisors will be developed and finalised by the VCS premises board which includes community representatives.

3. That interim arrangements be developed, including the piloting of a new process to match supply of premises to prioritised demand, that fulfils the council's objectives, using a draft allocations methodology.
4. That the working definition of local VCS groups in scope as set out in Appendix 1 be agreed.
5. That as part of the project to develop draft model lease terms for lettings to VCS groups, in new lettings, the regularising of unlicensed occupation, and at lease renewal be agreed.
6. That it be agreed to prioritise, for the time being and where it is feasible to do so, lettings for uses that demonstrate a clear contribution to advancing the objectives of Southwark Stands Together, community recovery from the coronavirus pandemic, and continuing work to establish key community and cultural centres in line with council plan commitments and priorities.
7. That officers to report on the project's progress in approximately six months' time.
8. That the project be co-produced with community representatives including representatives of Black, Asian and minority ethnic groups (including representation on the working group).

15. MOVEMENT PLAN, ANNUAL REPORT AND FUTURE CHANGES

RESOLVED:

That an update on the delivery of the Movement Plan (2019) be received and the emerging context leading to a review of the Movement Plan in 2022 be noted.

16. UPDATE TO FAIRER FUTURE PROCUREMENT FRAMEWORK

RESOLVED:

1. That the refreshed Fairer Future Procurement Framework (FFPF) at Appendix 1 of the report be approved.
2. That the update on actions taken be noted and that a report will be brought back to cabinet by the end of 2022 to update on the next steps within the report in relation to social value.
3. That the continued delegation of approval for minor and consequential amendments to the fairer future procurement framework (FFPF) to the

director of law and governance, in consultation with the cabinet member for finance, performance and democracy be agreed.

4. That on-going work across the council, led by the local economy team to support the delivery of the recommendations of the education and business scrutiny commission's report on procurement: accessibility and social value from July 2020 as detailed in paragraph 15 of the report be noted.

MOTION TO EXCLUDE THE PRESS AND PUBLIC

That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in categories 3 and 5 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.

17. MINUTES

RESOLVED:

That the minutes of the closed section of the meeting held on 18 January 2022 be approved as a correct record and signed by the chair.

The meeting ended at 12.45pm.

CHAIR:

DATED:

DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY 9 FEBRUARY 2022.

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

Item No. 8.	Classification: Open	Date: 8 March 2022	Meeting Name: Cabinet
Report title:		Climate Change Citizens' Jury – Receipt of Recommendations Report	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Helen Dennis, Climate Emergency and Sustainable Development	

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

The Southwark Citizens' Jury on Climate Change was established to enable us as a council to deepen our borough-wide response to one of the most significant challenges of our time. Our existing strategy and action plan, which supports our ambition to be carbon neutral by 2030, is clear that we can only tackle the climate emergency if we do it together, and this is what the Jury has been all about. Bringing new and diverse voices to the table to help us answer the key question: What needs to change in Southwark to tackle the emergency of climate change fairly and effectively for people and nature?

As a member of the Oversight Panel, which was established to help steer the process forward, I'm conscious of how many people have contributed their time to ensure the success of the Citizens' Jury. The Jurors themselves have given a huge amount to listen, learn and ultimately shape the final report's recommendations. I want to thank them for their engagement, along with others on the Oversight Panel, and the expert commentators, who came along to the Jury meetings to share their insights and ideas. Huge thanks must also go to Shared Future who have skilfully led this work, facilitating sessions and ensuring that Jurors are well supported to participate.

The Jury were not asked to analyse the Council's existing strategy and action plan, nor have they been constrained by financial resources in their consideration of the question. This was intentional as we wanted to encourage the Jury to bring new and innovative ideas to us and to think outside of the box. That being said, it is encouraging to see so much synergy with our current plans, and to note that their three areas of chosen focus: buildings, transport and business, are also central to our current strategy.

This Cabinet report is an initial response to the Jury process, and will be followed by a detailed Council response this coming July, which will be published alongside the update of Southwark's Climate Strategy and Action Plan. From the outset, I have wanted to underline the Council's commitment to this process and our intention to respond fully to each of the recommendations. We will seek to

enact change where it is within the council's power and capacity to do so, and to work with partners across the borough, to get the full benefit from this in-depth work, and ultimately to drive down carbon emissions across Southwark.

RECOMMENDATIONS

1. Cabinet welcomes the recommendations of the climate change citizens' jury and thanks all the jury members who gave their time and contributions to the process.
2. Cabinet agrees to consider all the recommendations from the jury and to bring forward a full response in July 2022.
3. Cabinet asks officers to revise the climate change strategy and action plan in response to the jury's recommendations and to bring an updated plan to cabinet in July 2022 as part of the first annual review.

BACKGROUND INFORMATION

4. In March 2019, the council declared a climate emergency and committed to doing all it could to make the borough carbon neutral by 2030. It published a climate change strategy and action plan in draft in July 2020. The COVID pandemic meant that the council was unable initially to do the engagement that it had intended. It therefore published the strategy in draft, and carried out comprehensive engagement and consultation on this draft strategy before publishing a final revised plan in June 2021.
5. The strategy shows how the council has adopted an iterative approach where it committed to regularly reviewing the strategy and action plan, learning from what is working and what is not, and adapting the plan to meet the challenge of climate change. The council has also said that its residents will be at the heart of its approach and is committed to engaging, educating and empowering the community to ensure that every resident in Southwark is able to play their part in reducing carbon.
6. The council will publish an annual report in July 2022, which will set out progress in the first year of the process. It will be an opportunity to update the strategy and action plan and add further detail to the next steps for the council. To ensure that the strategy is aligned with the priorities and ambitions of our residents, the council has set up a citizens' jury process to inform our approach going forward and to shape the council's response to the climate emergency.
7. This jury builds on the engagement work we have already done, but is a further way of ensuring that at all times we are aligning with our residents and making the journey to a carbon neutral future alongside our residents.

KEY ISSUES FOR CONSIDERATION

8. A citizens' jury is a type of deliberative forum. A representative group of residents are brought together around a particular policy issue. They are presented with evidence from expert speakers and given the time and support to evaluate the evidence, form opinions and provide a series of recommendations. A jury typically consist of 25 members of the public and is a smaller version of a citizens' assembly.
9. The process centres on answering a specific question, in order to focus the jury and ensure the recommendations are directly related to the topic being discussed. The central question for the Southwark Climate Change Citizens' Jury to respond to was: *'What needs to change in Southwark to tackle the emergency of climate change fairly and effectively for people and nature?'*
10. The council wanted to ensure that its engagement had breadth and depth. The engagement and consultation ahead of publication of the strategy and action plan ensured that we had breadth – speaking to a wide range of people to understand their views. The jury process complements this by working with a smaller group of residents who are representative of the borough as a whole, but who had time to consider the issues in depth before responding.
11. The council commissioned Shared Future, a social enterprise and community interest company with extensive experience of delivering citizens' juries and assemblies to manage the process. This has brought knowledge and experience to the process while also ensuring the process was delivered with a degree of independence from the council so that jury members are able to tackle this issue in the way that they think is best.
12. The full report from the jury is in Appendix A. This outlines the approach that was taken including the recruitment process, commentators who provided advice to the jury, details of the sessions and the jury's recommendations.
13. To support the jury through the process, provide guidance and ensure the content of the jury sessions met their needs, an oversight panel was formed. This panel consisted of academics, campaigners, faith and youth representatives, voluntary sector groups, councillors and council officers. The oversight panel ensured that jury selection was fair, ensured the jury had access to experts and had overall governance of the process.
14. This report was initially due in January, but various concerns raised by some members of the oversight panel, meant the process of establishing the jury took longer than anticipated whilst these were resolved. This has meant the report is slightly later than we intended, with the council receiving it in late February 2022. This means that the council has not yet had time to fully consider all the recommendations and officers will

therefore now consider the report and provide a full response to Cabinet in July 2022.

15. The council is committed to ensuring that tackling the climate emergency is something that every resident has a role in. The selection of the jury therefore ensured that the group was fully representative of the borough as a whole. It was essential for the council that there were a range of voices from every part of our community being heard.
16. The report in appendix A sets out the recruitment and selection process in full, detailing the target and actual demographic split of the jury. The demographic criteria looked at; age, gender, ethnicity, disability, socio-economic status, housing tenure, location within the borough and attitude to climate change.

Recommendations

17. The jury had eight sessions, and over thirty hours considering the issue, working with experts and discussing climate change. They agreed a series of recommendations in response to the question ‘What needs to change in Southwark to tackle the emergency of climate change fairly and effectively for people and nature?’
18. The jurors voted on the recommendations to rank them in priority. The full recommendations are set out in Appendix A. The wording was drafted directly by jury members with the support of Shared Future. The jury was not limited by budgets or finance and they were encouraged to be innovative, forward thinking and not constrained about how the central problem should be addressed.
19. The process was also not limited by the council’s areas of responsibility. The question focused on what needed to happen in Southwark – but some of this will fall outside of the reach of the council’s responsibility. Therefore, as with the council’s own strategy, it looks at what needs to happen in every part of Southwark to tackle the climate emergency together.
20. In agreeing the recommendations, the jury also wrote and agreed a statement. This statement was strongly supported or supported by over 85% of the jury, and reads as follows;

‘Having had, through this jury process, the opportunity to learn more about the impacts of climate change on Southwark and beyond, as well as the many potential solutions, some of us feel let down and overwhelmed because the gravity of the situation was not made clear to us in the past.

We feel worried, angry and disappointed and are concerned that we are not acting like this is an emergency.

We must have change and we must have a future.

We are passionate about being part of Southwark and care about the future of our borough.

There must be rapid and decisive implementation of the action that is needed. This action must be taken by the council and others; it must be bold and must be more than gestures. With the council blazing the path and leading by example and propelling the movement to change.

The council must look beyond its own immediate power at the same time as bringing all of its own departments together with a real sense of holistic purpose. At the same time, we believe legislation must exist to enable the council to take the action needed.

Although we recognise that individuals must bear some responsibility, we urge the council to recognise that we are not prepared to bear the brunt of change if we are not given the tools, encouragement and infrastructure for us to be equipped and empowered to act.

Having come together to deliberate and produce recommendations we expect measures to be put in place to allow the council and others to rapidly come back to the citizens of Southwark to report on progress in implementation of these recommendations with strong specific commitments.'

21. The jury has developed a total of 20 recommendations that are wide ranging, detailed and ambitious in nature. They cover a wide range of issues, including but not limited to: construction, energy generation, sustainable transport, waste and tree planting. There are also a series of recommendations for the council around transparency, accountability and reporting progress while ensure there is the resource and expertise in place to tackle the climate emergency.

22. The top four recommendation were as follows:

a. Make walking great again!

Walking is a free, easy and zero carbon method of transport. We need to remove barriers to walking by:

- Improve quality of pavements to ensure they are even, well-maintained and uncluttered
- Improve air quality
- More walking maps/directions - with timings and points of interest so people can see where walking might be quicker/easier/more pleasant than driving or using a bus
- More easy pedestrian routes (as above) and car free pedestrian zones, especially in busier locations e.g. Borough Market
- Encourage and enable more children to walk to school.

b. Affordable, accessible and appealing public transport

Affordable, accessible and appealing public transport should be the backbone of a low carbon Southwark. To achieve this there needs to be work (including with TfL) on:

- Increased number of electric buses
- Subsidies/free transport should be focused on those who need it most
- Wifi and phone charging on all buses and trains
- Positive messages to increase the uptake of public transport
- Increase speed of buses by further development of bus lane use and bus gates to give buses more priority on roads
- Increase the frequency of night buses
- Create greener and more appealing bus stops e.g. green roofs, solar panels
- Consideration of personal safety which is a barrier to wider use of public transport particularly for women at night e.g. better lighting at bus stops
- Improving public transport access parts of the borough which have low Public Transport Accessibility Levels (PTAL) and large numbers of residents e.g. Aylesbury Estate, North Peckham and Bermondsey.

c. Improvements in energy efficiency of housing

Incentivise all landlords to improve Energy Performance Certificate (EPC) rating from E to B by 2025 by offering discounts or loans on retrofit schemes. Local and/or small businesses providing retrofit services should be supported and prioritised for contracts. The Council should annually identify and publish accessible information on how many properties are currently rated below C, including Council-owned and privately-owned, and provide timelines for future targets.

In addition:

- Southwark Council should lead by example by retrofitting all its properties
- Southwark Council should repurpose unused funds to pay for retrofitting, and apply for additional funding opportunities
- To increase retrofitting in Southwark there should be an education and advisory service to DIY retrofitters including residential and small businesses
- Increase inspection and enforcement by council of energy efficiency standards
- Measures to increase and improve retrofitting in non-residential buildings should also be taken

d. Transparency, accountability and progress monitoring

The Climate Emergency needs to be a significant consideration in all council decisions to create net climate benefit.

We want more transparency and accountability on council activities. Clear goals on carbon reduction, climate mitigation and adaptation in relation to the climate emergency need to be communicated to Southwark residents, including the process of achieving them on a real time digital dashboard that makes council progress towards climate related goals transparent.

The Council should implement a clear emissions pathway for each year to 2030, with costs and estimated decarbonisation impact of each action outlined; SMART targets on every action in the Climate Plan, and a review of council policies by department to integrate Southwark's climate commitments.

Climate Juries to be called no more than three years apart to measure progress, sooner if required, to make further recommendations and hold council to account.

23. Other recommendations also received a high level of support from the jury and cut across key council policies and planning, delivery of a safe highway network that facilitates active travel, increased use of green energy and local energy generation and protection and enhancement of green spaces.
24. The recommendations require significant action from the council, but also at a London-wide and national government level. They include action from key stakeholders, including big business and other employers in the borough. They will need collective support from a wide range of stakeholders across the borough, in order to demonstrate positive progress in the near future.

Next Steps

25. The council welcomes the receipt of the recommendations and the time, energy and ideas that the jury have brought to the process. The council also recognised the hard work and dedicated put in by Shared Future to deliver the process and support and encourage the jury members over the last few months.
26. The final meeting of the jury was in early February 2022, with the recommendations voted on following the last meeting. The Council received the recommendation in mid-February and has therefore not had the opportunity to review and formulate a detailed response. This work will be undertaken in March and April, and officers will submit a full response to Cabinet to all recommendations in July 2022.

27. Alongside this, the council is also undertaking the first annual review of the climate strategy and action process. The jury's recommendations will form a central part of this process, with the annual review due to be presented to Cabinet in July 2022.
28. Launch events for the recommendations are currently being planned for the 3 March and 10 March 2022. Shared Future are working directly with the jury members on the agenda and content of both sessions. The 3 March event will focus on key stakeholders in the borough who will be required to understand the process, support the outcome and deliver against the recommendations. The public launch will take place on the 10 March and will be promoted widely.

Policy framework implications

29. The recommendations from the jury will be considered and used to update the council's climate change strategy and action plan. The climate strategy is a key policy framework, and as such these recommendations will have an impact on the policy framework of the council. The implications of these changes will be set out when the council's full response comes to cabinet in July 2022.

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

30. The council will fully consider the recommendations from the jury and bring forward a response in July 2022. Nothing in this report has a direct impact, but the full response will consider the community equality and health impacts of any changes that are proposed to the council's climate strategy and action plan.

Climate change implications

31. The citizens' jury recommendations if implemented will have an impact on climate change by reducing carbon emissions and supporting more sustainable living. The full implications will be considered by officers who will report on this when the council responds in July 2022.

Resource, legal and financial implications

32. There are no specific implications from this report. Any implications that come from the jury's recommendations will be considered as part of the full response in July 2022.

Consultation

33. Extensive engagement and consultation has taken place in relation to the development of the climate strategy and action plan. The citizens' jury is the next step in engagement with residents, allowing a selected group the time, support and expertise to learn about the issue in greater detail. The

council will review their recommendations and integrate them into the reviewed climate strategy and action plan in July 2022.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

34. There are no significant legal implications arising from the recommendations in this report, as Cabinet is only at this stage being asked to welcome the recommendations of the jury and agree to give them consideration at a later stage. The Director of Law & Democracy and her staff will provide advice to officers on any legal and governance issues that might arise when Cabinet considers and responds to the recommendations, and when any proposed revisions to the climate strategy are brought forward.
35. The council has the statutory authority to produce and revise its climate policy in accordance with the powers of general competence in section 1 of the Localism Act 2011.

Strategic Director of Finance and Governance (EL21/145)

36. The strategic director of finance and governance notes the request to Cabinet to welcome, agree and consider the recommendations of the climate change citizens' jury recommendations with a full response in July 2022.
37. The strategic director also notes the recommendation to Cabinet to ask officers to revise the climate change strategy and action plan in response to the jury's recommendations and to bring an updated plan to cabinet in July 2022 as part of the first annual review.
38. The strategic director of finance and governance notes that there are no additional financial implications arising from this report at this stage.
39. All staffing and other related costs to be contained within existing departmental revenue budgets.

APPENDICES

No.	Title
Appendix A	Report of the Southwark Climate Change Citizens Jury (to follow)

AUDIT TRAIL

Cabinet Member	Councillor Helen Dennis, Climate Emergency and Sustainable Development	
Lead Officer	Chris Page, Climate Change Director	
Report Author	Tom Sharland, Climate Change Programme Lead	
Version	Final	
Dated	23 February 2022	
Key Decision?	No	
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		23 February 2022

Item No. 9.	Classification: Open	Date: 8 March 2022	Meeting Name: Cabinet
Report title:		Response to the report of the overview and scrutiny committee - Southwark's climate strategy and action plan	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Helen Dennis, Climate Emergency and Sustainable Development	

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

The development of Southwark's Climate Change Strategy & Action Plan has been absolutely critical to shaping our work to deliver against our ambition to be carbon neutral by 2030 and our Climate Emergency declaration. Over the last year, we have not only published our Strategy & Action Plan, but we have also agreed a constitutional change to consider the climate change implications of all our decisions as a council, and we have launched our Climate Change Citizens' Jury to help us further develop our plans. As a council, we are convinced that we must play our role in reducing carbon emissions, and have prioritised this agenda accordingly.

It is not without complexity, given constant changes in technology and in the funding environment. Therefore, the approach that we have taken to set an ambitious 2030 target, and to sketch out pathways for its achievement with listed priority actions, is I believe the right one. And I am delighted that our plan has been welcomed by Climate Emergency UK, and assessed as being the second best in London to date. Much of the information requested by Overview & Scrutiny Committee, is already being pulled together for the annual report and update of the action plan, which is due in July. The timing of this review has been deliberately chosen in order to synchronise with a new Borough Plan, and to incorporate recommendations from our Citizens' Jury. This is the best use of our council resources and will enable us to gather the data, and include analysis which has been requested by OSC. In the meantime, our focus is on continued delivery of emissions reductions across the borough, delivering on the SMART targets which are already set out in our existing Borough Plan – such as doubling cycle storage and planting 10,000 trees – and completing alterations to our operational estate, including libraries and youth centres, that move us away from gas and onto renewable sources of power.

Work around alignment with other council policies and on training, are already underway. Among other things, this year will see commencement of the early climate review of the Southwark Plan, further work on social value which underpins our Fairer Future Procurement Framework, and consultation on both

our Air Quality Action Plan, and Movement Plan to align with our climate objectives. I look forward to further discussions with OSC as we deliver on our incredibly ambitious climate agenda.

RECOMMENDATIONS

1. Cabinet welcomes the recommendations of the Overview and Scrutiny Committee (paragraph 6) and agrees the response set out in this report.
2. Cabinet agrees to update the climate action plan in line with these recommendations when it is published in July 2022.
3. Cabinet agrees to ensure any major policy changes in the future are aligned, wherever possible, with the council's climate change strategy.
4. Cabinet agrees to ensure that there is suitable training for members following the local elections in May 2022, and that climate change forms part of the ongoing training offer to both members and officers in the council.

BACKGROUND INFORMATION

5. At a meeting of the Overview and Scrutiny Committee on 1 December 2021, the committee received representations from Extinction Rebellion Southwark regarding the council's climate change strategy and action plan. Following these representations, the committee made recommendations to Cabinet on 18 January 2022. Cabinet agreed to consider these recommendations and respond at the March 2022 Cabinet meeting.
6. The recommendations were:
 - Revise Southwark's Climate Action Plan to include smart targets throughout, including staged timeline and funding requirements and allocation against each action and policy.
 - Carryout 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.
7. This report sets out the council's consideration of these recommendations and updates Cabinet on the steps that are being taken.
8. Since the meeting of the Overview and Scrutiny Committee, Climate Emergency UK has independently assessed the climate strategies and action plans of all councils in the UK. This assessment of climate

strategies was led by trained volunteers from a number of campaign groups. It has compared and scored councils on their climate strategies and action plans and identified areas of strength and also areas to improve.

9. Climate Emergency UK assessed Southwark's strategy and action plan as one of the best in the country. We received an overall score of 79% (average 50%), putting us the second highest in London, and twelfth highest of all councils in the country. We were highlighted as a top performing council specifically in the area of measuring and setting emissions targets – where we received a score of 100%.
10. This assessment reinforces that the council has a strong strategy and action plan in place, and when compared to other councils, is leading the way in many areas. This does not mean that there is not more we can do, and we are always striving to improve our response to the climate emergency.
11. Central to our approach is a plan that is iterative. We need to constantly learn and improve our plan and the work we are doing. The action plan and strategy as currently set out does not represent the sum total of everything we will do over the next decade, which will inevitably adapt in response to new ideas, technologies, funding sources and political priorities. However, it is an emergency plan, which provides a baseline and sets out pathways and priority actions across each of the five priority themes, so that we can measure progress and continually strengthen and improve.
12. The Climate Emergency UK assessment, shows that we are starting from a very strong position with a good and robust strategy in place. The recommendations of OSC, and others, will help us to build on this and improve yet further.

RESPONSE TO RECOMENDATIONS

Revise Southwark's Climate Action Plan to include smart targets throughout, including staged timeline and funding requirements and allocation against each action and policy.

13. When it adopted the climate change strategy and action plan in July 2021, Cabinet said that it would publish an annual report as well as an update to the strategy and action plan each year. The council plans to publish an updated action plan and strategy alongside its annual climate change report in July 2022. As well as strengthening existing actions in the action plan, the council will also consider the recommendations of the Citizens' Jury, integrate with a new Borough Plan, and make necessary changes to the action plan and strategy to reflect these.
14. The council agrees with OSC's recommendation. This work is already underway in line with the July 2021 cabinet report and we expect to

update the plan by July 2022.

15. As part of the programme management of the climate action plan, officers are already building detailed information on the owner, impact, status (work to date and next steps) and risk to delivery of each action. This information is used to track progress and identify key resource, knowledge or funding gaps that may exist in delivering the stated actions.
16. The Council is already working towards a number of SMART targets which connect to the Climate Emergency, including those set out in the current Borough Plan. Additional actions published in July 2021 would benefit from being made SMARTer (specific, measurable, achievable, realistic, time-bound), in particular with clear timelines and funding status. The section below sets out how the published actions will be updated and improved as part of the 2022 refresh of the action plan. Officers have also reviewed published action plans from some other councils across the UK, in order to learn and develop this thinking.
17. The updated action plan will therefore include the following considerations for each action published in the July 2021 version of the strategy and any new actions identified since.
18. Specific:
 - Where appropriate, actions will be re-worded to provide clarity on the deliverable associated with the action. The specific task will be detailed to allow progress against the action to be clearly tracked.
19. Measurable:
 - Performance Indicators will be added for each action, to allow the status of an action to be tracked against upcoming milestones. These performance indicators will align with annual reporting periods, to allow for measurable tracking of progress.
 - Officers will continue to explore options for associating direct carbon emissions savings with individual or groups of actions. This will not be possible for all actions, for example the completion of a feasibility report, where there are no direct emissions saving in completing the action. This data will only be added where it can clearly be demonstrated as an emissions saving directly associated with the action being taken.
20. Achievable:
 - The director with overall responsibility for each action will be listed, stating the team within the council who is responsible for leading on delivery. Where actions are being delivered by external partners, organisation names will be provided where agreement has been reached.

- The use of milestones will allow achievable annual targets to be set, based on the resource and funding available. Estimated cost will be attributed to each action, banded into high, medium and low. Confirmation will also be provided as to whether funding is in place to deliver the action. This will manage expectation on what can be achieved with the funding and resource in place at the time of reporting.

21. Realistic:

- A RAG (red, amber, green) status will be attributed to each action, summarising the risk associated in the delivery of each action. This will be a summary of the risk to delivery based on the funding, resource and expertise available at the time of reporting. As noted above, the council will clearly state where funding is available for an action, to aid understanding of how realistic each action is.
- The climate strategy is very ambitious in its target of achieving net zero by 2030, and a significant funding gap exists in achieving this aim. Actions must remain ambitious and progressive while identifying the constraints and looking to resolve these through collaboration and innovation.

22. Time-bound:

- A delivery date will be attributed to each action. This will be banded into short, medium and long, with dates reviewed on an ongoing basis.

23. Officers are working to improve the targets to make them SMARTer as set out above. In some areas we expect that there will still be targets which we cannot make as SMART as we would like. As set out previously, the action plan will continue to be reviewed and we will continue to update and improve all actions through the life of the strategy.

Carryout a review to ensure the alignment and integration of all council policies with the Climate Action Plan.

24. The council is already undertaking work to ensure alignment of council policies and a list of key policies has already been set out in the Climate Change Strategy & Action Plan. Over the next year, this will include review of the Southwark Plan, the Fairer Future Procurement Framework, the Air Quality Action Plan and the Movement Plan. Moreover, all council decisions now need to consider climate change as they are brought forward, including how they align with the climate strategy. The Climate Change Team and Constitutional Team are providing guidance to officers, and as well as training for members, we expect to offer training to officers later in the year on the climate emergency and the council's responsibilities.

25. Internal governance structures have been established including a Directors Steering Group and a Chief Officer Oversight group and an operational Officer Coordination Group to ensure that at every level the council's climate work is aligned with the council's other activity.
26. As policies are reviewed and renewed, climate change will be a major consideration and policies will need to align. The immediate priorities are stated within the council's published climate change strategy and 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.

27. We agree with the recommendation to improve training for members. Last year, the council organised training open to all members on the climate emergency. This was well attended and overall received positive feedback from members.
28. Officers are currently developing the training programme for new members after the council elections in May 2022. Climate change will be included as part of this training offer with all members strongly encouraged to attend.

Return to the overview and scrutiny committee meeting scheduled for 2 March 2022 with a timeline of when the above recommendations will be actioned.

29. Officers were already working on all of the issues that OSC has raised so are pleased that the recommendations from the committee align with the work that the council is undertaking. The timeline for the three recommendations is:
 - Action plan and strategy update, including smart actions - July 2022 Cabinet.
 - Alignment – ongoing, as policies are reviewed we will update them to align with the climate strategy.
 - Training for members – will be delivered as part of the package of training after the May 2022 elections.
30. The Cabinet Member has indicated that she is available to return to OSC if the Chair and the Committee have any further information they require following the publication of this report.

Policy framework implications

31. The recommendations from the report need to be considered when reviewing the climate strategy and action plan ahead of it coming for decision at the July 2022 cabinet meeting.

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

32. There are no direct impacts on the community, equalities or health impacts from this report. In adopting the recommendations, future work such as aligning council policies with the climate strategy and changing action plan targets could have impacts. These changes will need to come for decision, and the community, equalities and health impacts should be considered at that time.

Climate change implications

33. Better member training and future improvements to the council's climate strategy and action plan will enable the council to better deliver its climate objectives which will have a positive impact on carbon emissions. Alignment of policies in the future will also mean that more of the council's strategies are working to deliver carbon reductions.

Resource, legal and financial implications

34. The recommendations made by OSC were already being undertaken by officers. There are therefore no additional resource, legal or financial implications. Future changes to the council's climate action plan may have resource, legal and financial implications. These will be considered when this decision is taken.

Consultation

35. Extensive engagement and consultation has taken place in relation to the development of the climate strategy and action plan. The council continues to engage with the public including through its Annual Climate Summit and most recently through the citizens' jury. We intend to review their recommendations and integrate them into the reviewed climate strategy and action plan in July 2022. It would be premature to update targets ahead of this comprehensive piece of engagement work.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

36. There are no significant legal implications arising from the recommendations in this report. Further reports may need to be prepared to implement some of the recommendations and legal advice on these can be provided when those reports are prepared.

Strategic Director of Finance and Governance (EL21/141)

37. The strategic director of finance and governance notes the Cabinet Response to the report of the overview and scrutiny committee -

Southwark's climate strategy and action plan and the recommendations in this report.

38. The strategic director of finance and governance notes that there are no additional financial implications arising from this report at this stage.
39. All staffing and other related costs to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Report of the Overview and Scrutiny Committee: Southwark's Climate Strategy and Action Plan	Constitutional Team	Constitutional.team@southwark.gov.uk
Link (copy and paste into browser): https://moderngov.southwark.gov.uk/documents/s104215/Report%20Overview%20and%20Scrutiny%20Committee%20-%20Climate%20Action%20Plan.pdf		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Helen Dennis, Climate Emergency and Sustainable Development	
Lead Officer	Chris Page, Climate Change Director	
Report Author	Tom Sharland, Climate Change Programme Lead	
Version	Final	
Dated	22 February 2022	
Key Decision?	No	
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
Strategic Director of Environment and Leisure	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	23 February 2022	

Item No. 10.	Classification: Open	Date: 8 March 2022	Meeting Name: Cabinet
Report title:		Borough Plan Interim Performance Report 2018-2022	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Kieron Williams, Leader of the Council	

FOREWORD – COUNCILLOR KIERON WILLIAMS, LEADER OF THE COUNCIL

As Leader of Southwark Council, I am proud of our continued record of delivery for our residents, even during the most difficult years we have faced as a borough. The COVID-19 pandemic has had a huge impact on our borough, including sadly the loss of many lives. As a council, we took urgent action to respond to the pandemic and I am proud that our staff have gone above and beyond over the last two years to keep frontline services operating and to support residents and businesses through the crisis. This has not been an easy time for any of Southwark's residents, businesses or community groups. However, the resilience we have shown as a borough, and the way communities have come together to support our most vulnerable residents, is truly inspiring. We have come so far together, and I am confident that as we continue to work together to overcome the lasting impacts of the pandemic, we will not just rebuild from the crisis, but build something better.

I was elected Leader in September 2020 and was proud to take forward the incredible work we have done over the last ten years to deliver on commitments to residents: to make Southwark clean, green and safe; to build more homes local people can afford; to create jobs and opportunities for residents; and to give young people in our borough the best start in life. In November 2020, we refreshed the Borough Plan, not just to account for the necessary work to keep residents safe and supported during the pandemic, but also to renew our commitment to equality in response to the Black Lives Matter movement. The new Borough Plan reflected our ambition to tackle the climate emergency, continue to build the homes our residents need, and make sure that our young people have the best start in life. It set out our bold commitments to residents and the actions we would take to build a stronger, more equal borough. I am proud that, despite the significant challenges of the pandemic over the last two years, we have delivered on those commitments.

We have made great progress on our work to tackle the climate emergency, halving the council's carbon emissions and planting 10,000 trees. We built 255 new council homes and started building another 1,586. We exceeded our ambitious jobs target, supporting 5,500 residents into employment even in the face of repeated lockdowns. We helped 300 people off the streets and into long-term homes. We opened our groundbreaking new mental health drop in service for young people. We supported over 73,000 vulnerable residents during the pandemic through the Community Hub, distributing over 29,500 food parcels. And we have taken a stand against racism and discrimination in all its forms, putting equality at the heart of everything we do.

I am incredibly proud of all of our staff, partners, community groups, volunteers, businesses and residents who have helped us to deliver this ambitious Borough Plan. There is more to do, and I know that working together, we can build a Southwark where everyone has a home, where everyone can get a decent job, where we end our carbon emissions, where we break down inequalities and where everyone is empowered to make the best of their life.

RECOMMENDATION

1. Cabinet notes the council's performance over 2018/19 – 2021/22 against the Council Plan 2018-2022 and refreshed Borough Plan 2020-2022.

BACKGROUND INFORMATION

2. Council Assembly approved the Council Plan 2018-22 in November 2018. Since the plan was adopted in 2018, the context in which the council operates and delivers services changed significantly as a result of the COVID-19 pandemic. On 25 November 2020, Council Assembly approved a refresh of the Council Plan 2018-2022, now known as the Borough Plan, which reflected these changes.
3. The Borough Plan represents Southwark Council's overarching primary objectives and sets out the programme of work that the council will achieve over the period 2020-21 to 2021-22.
4. The Borough Plan reaffirmed the council's primary values, through which we will view all the decisions we make. We will:
 - Treat residents as if they were a valued member of our own family
 - Be open, honest and accountable
 - Work for everyone to realise their own potential
 - Spend money as if it were from our own pocket
 - Make Southwark a place to be proud of
 - Always work to make Southwark more equal and just
 - Stand against all forms of discrimination and racism.
5. The Borough Plan is structured around eight themes that reflect the ongoing priorities of the council, based on what are most important to the people of Southwark. They are:
 - Our response to COVID-19
 - Southwark Together
 - A green and inclusive economy
 - The Climate Emergency
 - Tackling health inequalities
 - Homes for all
 - A great start in life
 - Thriving Neighbourhoods.

6. On 22 December 2020, The Leader of the Council approved the Borough Plan Performance Schedules, which set out the various “measures”, and “milestones”, against which progress towards each commitment would be recorded in a clear and transparent way.
7. Throughout 2021-22, the council has continued to monitor performance against the commitments in the Borough Plan, as well as key ‘business as usual’ targets, with performance data reviewed on a quarterly basis.
8. The Borough Plan Interim Performance Report 2018-2022 (Appendix 1) provides an overview of delivery against the Borough Plan in the four year period from 2018/19 to 2021/22, drawing on performance data that has been collated over this period.
9. In line with the Fairer Future principle of being open, honest and accountable, the full list of portfolio performance schedules and annual performance data has been published on the council website.

KEY ISSUES FOR CONSIDERATION

10. COVID-19 has continued to have a severe and wide-ranging impact on the council and its ability to deliver services to residents over the past year. However, despite the enormous financial and organisational pressure placed on us by the pandemic, we have continued to deliver for the residents of Southwark. Our commitment to the creation of a fairer and more equal borough remains undaunted and this report demonstrates that we are pushing forward with our ambition plans around homes for all, a great start in life, a green and inclusive economy and much more.
11. We have made excellent progress against numerous Borough Plan commitments, delivering for our residents, including by:
 - Supporting over 73,000 vulnerable residents during the pandemic through the Community Hub
 - Making significant progress in delivering the Southwark Stands Together recommendations and developing a new equalities framework, putting equalities at the heart of everything we do
 - Supporting over 5,000 residents into jobs, exceeding our target despite the significant challenges of the pandemic
 - Supporting local businesses through the pandemic with over £253m of support in grants and retail relief
 - Halving the council’s carbon emissions and agreeing our climate strategy which has been independently ranked 2nd in London
 - Planting over 10,000 trees
 - Rolling out free school meals to nursery schools and providing free meals over the school holidays, so no child in Southwark needs to go hungry
 - Building 255 council homes and starting construction on another 1586, on track to exceed our target to build or start construction on more than 2,500 new council homes by May 2022

- Providing emergency accommodation to 447 rough sleepers during the pandemic, and supported 300 people off the streets and into long term homes
 - Launched the new young person's mental health drop-in centre, The Nest, which has provided over 400 individual levels of support in addition to one-off visits since the service opened in May 2020
 - Opened new libraries, including the Walworth Library and Southwark Heritage Centre, which has hosted 2,000 visitors per week.
12. In addition to our work towards achieving our Borough Plan, we continue to provide high-quality key services despite the ongoing challenges we have faced, including; keeping our streets clean and our waste collected; looking after our parks; delivering emergency works for tenants; safeguarding children; and supporting vulnerable and older people through reablement and ongoing social care.
13. The Council Plan Interim Performance Report (Appendix 1) summarises delivery against the Council Plan from 2018/19-2021/22. Further information on the council's delivery against the commitments in the 2018-2022 Council Plan are also detailed in the Annual Performance Reports for 2018/19, 2019/20 and 2020/21.

Community Impact Statement

14. The purpose of this report is for cabinet to note delivery against the refreshed Borough Plan. No specific equality analysis has been undertaken on this report as there are no impacts arising from the report itself.
15. Future decisions made on the basis of the performance highlighted in this report may require further equality analysis to be undertaken and more detailed consideration of the impact on local people and communities as appropriate. The Forum for Equalities and Human Rights and Southwark's Equality and Human Rights Panel were engaged in the development of the Council Plan 2018-22.
16. We will give due consideration to the Public Sector Equality Duty (PSED) as a positive duty to consider the promotion of equality throughout the delivery of the Borough Plan. We will also publish information on our website to show how we implement the PSED in our work and performance.

Climate change implications

17. The interim annual performance report notes the council's progress against the delivery of Borough Plan targets which include a number commitments to tackle the climate emergency, including halving the council's carbon emissions, setting up the Citizens Jury to make climate recommendations, planting 10,000 trees, moving to 100% renewable energy for council operations and retrofitting council homes to make them greener.

Resource implications

18. There are no immediate resource implications arising from this report. Any additional funding required will be subject to financial appraisal and reported through the council's budget setting process.

Legal implications

19. There are no immediate legal implications arising from this report. Any decisions or actions required to deliver the Borough Plan will be subject to the councils legal and governance procedures.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

20. There are no legal implications arising directly from this report.

Strategic Director of Finance and Governance (FC16/025)

21. There are no new financial implications arising directly from this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Plan 2018/19 – 2021/22	160 Tooley Street PO Box 64529 London SE1P 5LX	Matthew.little@southwark.gov.uk Aine.gallagher@southwark.gov.uk
Link (please copy and paste into browser): http://moderngov.southwark.gov.uk/documents/s78193/Appendix%201%20Council%20Plan%202018-19%202021-22.pdf		
Cabinet 8/09/20 Agenda item 9: Refresh of the Council Plan 2018-2022	160 Tooley Street PO Box 64529 London SE1P 5LX	Aine.gallagher@southwark.gov.uk
Link (please copy and paste into browser): http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=6662		

APPENDICES

No.	Title
Appendix 1	Council Plan Interim Performance Report 2018-2022

AUDIT TRAIL

Cabinet Member	Councillor Kieron Williams, Leader of the Council	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	Aine Gallagher, Cabinet and Public Affairs Manager	
Version	Final	
Dated	8 March 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	25 February 2022	

APPENDIX 1

Borough Plan Interim Performance Report 2018/19 – 2021/22

Leader's Foreword

As Leader of Southwark Council, I am proud of our continued record of delivery for our residents, even during the most difficult years we have faced as a borough. The COVID-19 pandemic has had a huge impact on our borough, including sadly the loss of many lives. As a council, we took urgent action to respond to the pandemic and I am proud that our staff have gone above and beyond over the last two years to keep frontline services operating and to support residents and businesses through the crisis. This has not been an easy time for any of Southwark's residents, businesses or community groups. But the resilience we have shown as a borough, and the way communities have come together to support our most vulnerable residents, is truly inspiring. We have come so far together, and I am confident that as we continue to work together to overcome the lasting impacts of the pandemic, we will not just rebuild from the crisis, but build something better.

I was elected Leader in September 2020 and I was proud to take forward the incredible work we have done over the last ten years to deliver on commitments to residents: to make Southwark clean, green and safe, to build more homes local people can afford, to create jobs and opportunities for residents and to give young people in our borough the best start in life. In November 2020, we refreshed the Borough Plan, not just to account for the necessary work to keep residents safe and supported during the pandemic, but also to renew our commitment to equality in response to the Black Lives Matter movement. The new Borough Plan reflected our ambition to tackle the climate emergency, continue to build the homes our residents need, and make sure that our young people have the best start in life. It set out our bold commitments to residents and the actions we would take to build a stronger, more equal borough. I am proud that despite the significant challenges of the pandemic over the last two years, we have delivered on those commitments.

We have made great progress on our work to tackle the climate emergency, halving the council's carbon emissions and planting 10,000 trees. We built 255 new council homes and started building another 1,586. We exceeded our ambitious jobs target, supporting 5,500 residents into employment even in the face of repeated lockdowns. We helped 300 people off the streets and into long term homes. We opened our ground breaking new mental health drop in service for young people. We supported over 73,000 vulnerable residents during the pandemic through the Community Hub, distributing over 29,500 food parcels. And we have taken a stand against racism and discrimination in all its forms, putting equality at the heart of everything we do.

I am incredibly proud of all of our staff, partners, community groups, volunteers, businesses and residents who have helped us to deliver this ambitious Borough Plan. There is more to do, and I know that working together, we can build a Southwark where everyone has a home, where everyone can get a decent job, where we end our carbon

emissions, where we break down inequalities and where everyone is empowered to make the best of their life.

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

Cllr Kieron Williams
Leader, Southwark Council

Since 2018 the council has...

- ✓ Supported over 73,000 vulnerable residents during the pandemic through the Community Hub.
- ✓ Made significant progress in delivering the Southwark Stands Together recommendations and developed a new equalities framework putting equalities at the heart of everything we do.
- ✓ Supported 5,500 residents into jobs, exceeding our target despite the significant challenges of the pandemic.
- ✓ Supported local businesses through the pandemic with over £253m of support in grants and retail relief.
- ✓ Halved the council's carbon emissions and agreed our climate strategy which has been independently ranked 2nd in London.
- ✓ Planted over 10,000 trees.
- ✓ Rolled out free school meals to nursery schools and provided free meals over the school holidays, so no child in Southwark needs to go hungry.
- ✓ Built 255 new council homes and started construction on another 1,586 since 2018, on track to exceed our target to build or start construction on more than 2,500 new council homes by May 2022.
- ✓ Provided emergency accommodation to 447 rough sleepers during the pandemic, and supported 300 people off the streets and into long term homes.
- ✓ Launched the new young person's mental health drop-in centre, The Nest, providing over 400 individual levels of support in addition to one-off visits since the service opened in May 2020.
- ✓ Opened new libraries, including the Walworth Library and Southwark Heritage Centre, which has hosted 2,000 visitors per week.

Keeping Southwark safe during COVID-19

COVID-19 has had a huge impact on our borough and the council has worked hard to keep residents safe, informed and supported during the pandemic. During this unprecedented challenge for the council, we have kept frontline services operating while also support residents and businesses through the crisis. From setting up the Community Hub to support tens of thousands of residents with food, medicines and other support, to distributing millions of pounds of grants and relief to local businesses, we have been on the side of our communities supporting them through this very difficult period. The resilience and response of our communities has been incredible, and the borough has come together to support our residents through the crisis in ways that should make our whole community proud. We will continue supporting residents and businesses through the pandemic and recovery.

We have:

- Supported over 73,000 vulnerable residents through the Community Hub, including providing over 29,500 food parcels for those who needed them most, making 89,370 welfare calls and making over 13,000 referrals.
- Supported over 119,000 people registered with a Southwark GP to get at least one dose of their Covid vaccine (67% of the population aged 16 and over). We have worked closely with the NHS to improve access for our residents and uptake, including identifying a range of vaccination centres, promoting vaccine take up through a wide range of channels and working with community groups to support those hesitant to come forward.
- Created the Community Support Alliance, working together with the NHS and local voluntary and community groups and charities to provide continued support.
- Launched the Community Health Ambassador programme to develop relationships with our communities and share quality information about preventing COVID-19, accessing testing, vaccines and support to isolate. We have trained 97 ambassadors who are working with our most deprived and under vaccinated communities, and over 70% are from Black, Asian and minority ethnic communities.
- Trained 70 contact tracers to support the nationally led NHS Test and Trace, exceeding our 80% target of Covid cases contacted and traced using our system.
- Ensured that social care, schools and community services had access to appropriate PPE, testing and support.
- Ensured that 100% of all those within the Clinically Extremely Vulnerable (CEV) group assessed as requiring additional tailored support received it - this included over 4,000 residents within the CEV group.
- Taken over 19,000 actions through our Regulatory Services teams to support businesses in being COVID-19 compliant.
- Maintained regular contact with around 10,000 vulnerable council residents throughout the pandemic through our Residents Services teams.

- Worked with voluntary sector partners to establish an annual 'Connected at Christmas' campaign to support vulnerable people and tackle loneliness.
- Supported more than 5,500 vulnerable residents through the Southwark Emergency Support Scheme since the start of the pandemic.
- Provided 19,000 low-income households with support with energy costs through the Southwark Energy Support Fund this winter, working with VCS partners to identify vulnerable residents, and lobbied government alongside members of the Southwark Community Support Alliance, to put long-term measures in place to tackle the cost of living crisis and rise in energy bills.
- Used every channel available to us to get key messages out to local people and keep them safe, including regular e-newsletters, councillor briefings, additional COVID-19-specific editions of Southwark Life magazine, social media posts, regular updates for our faith leaders, translated materials, park and street signage, DigiVans and outdoor advertising.
- Worked with the NHS to support effective health recovery in Southwark following the pandemic.
- Successfully lobbied government to provide the funding and resources needed to effectively respond to the pandemic, and pushed for more funding to support low income families.

Southwark Stands Together

As a council, we have always been committed to breaking down inequality and creating a fairer, more just society. The pandemic shone a light on wider inequalities that persist in our society, and the council has worked with local communities to identify and implement solutions to entrenched racism and injustice through Southwark Stands Together, our borough-wide response to these challenging issues. Southwark Council will always strive to be at the forefront of tackling racism, discrimination and inequality and we have challenged ourselves and others to be better at every opportunity. Over the last two years, we have taken significant steps to strengthen our approach to equalities, embedding it further in everything we do as a council. We will continue to take action across all areas of the council's work, and to work with our communities, partners, faith groups, charities and voluntary organisations to take positive action to make Southwark a fairer and more equal borough.

We have:

- Developed a new equalities framework entitled “a fairer, more equal Southwark” putting equalities at the heart of everything we do.
- Prioritised funding programmes that are in line with the Southwark Stands Together initiative, including the development of a new £152,000 Culture Grant programme.
- Reviewed the council's grants to make sure they develop the best value for communities and remove barriers to equal access to funding, particularly for Black, Asian and minority ethnic groups. We have approved the allocation of an additional £400k in grant funding with £200k of this to be available specifically for groups that self-identify as Black, Asian and minority-led.
- Launched the Black on Board - Diversifying Arts Boards programme in Southwark to help the borough's arts organisations to diversify their boards. 17 individuals from Black, Asian and minority ethnic backgrounds are participating in the programme with 11 confirmed organisations.
- Launched Southwark's “I Create...”, a research and development fund for Black, Asian and Minority Ethnic artists to help them develop and deliver creative ideas, with support from one of Southwark's leading creative organisations.
- Developed a new process for recording and evaluating the cumulative impact of our budget changes across each of the protected characteristics.
- Coordinated a joint letter to the Home Office, signed by over 20 community organisations and our local MPs, calling on the Home Office to release local authority level data about the Windrush compensation scheme. We will continue to work with the Windrush Justice Partnership and advocate for better information about and support for Southwark applicants to the compensation scheme.

- Supported the successful delivery of the Black History Month grants programme, funding 21 events in 2021, and promoted Southwark-based Black History Month events through the Southwark Presents website and social media channels.
- Supported 157 unaccompanied asylum-seeking children since 2018 – our legacy of supporting many children in recent years can be seen in the very high numbers who have gone on to become our care leavers and the more than £1 million annual investment in their wellbeing provided by the council over and above the insufficient government funding provided.
- Opened a pop up LGBT+ cultural space in Bankside and started building the permanent space at Bankside Yard - the first such venue secured through planning powers in London.
- Approved a new delivery plan to respond to the risks of radicalisation and violent extremism. Southwark's programme has now successfully engaged with 22,147 residents and professionals through training, projects, and support offers, helping to build the resilience of communities against the harmful, hateful narratives of terrorists and violent extremists.
- Tackled hate crime through a victims-led approach, including training for staff and volunteers, working with victims to ensure they are satisfied with the process and outcome.
- Established a Youth Independent Advisory Group (YIAG) with over 25 members who are driving work linked to all aspects of Community Safety across Southwark to ensure the voice of those most affected influences our approach. Their work includes improving relations with the police, specifically Stop and Search, through events with young people and Police, Violence against Women and Girls and the work in schools through Safer Streets work and work linked to serious youth violence.
- Supported and promoted the EU settlement scheme resulting in over 63,000 applications for settled status in Southwark.
- Welcomed and provided wraparound support to around 260 Afghan refugees arriving in our borough as they start to rebuild their lives in the UK and the council is currently providing much needed support to over 270 migrant households through the NRPF service.

A green and inclusive economy

Southwark has a thriving local economy and our businesses and employers are an essential part of what makes Southwark a unique place to live and work. Over the last 4 years we have continued to grow Southwark's economy, create more jobs and opportunities for local residents, and campaign for better work and more quality, well paid jobs. COVID-19 has had a huge impact on our economy and on local businesses, and the council has prioritised supporting businesses through the pandemic, setting up a hardship fund and distributing hundreds of millions of pounds of grants and rate relief. Despite the pandemic, we have continued to create new jobs for residents, exceeding our 5,000 target - an incredible achievement in spite of the significant challenges of the pandemic and repeated lockdowns. We have also ensured a green economic recovery, with green new jobs that contribute to tackling the climate emergency, from retrofitting homes to EV charging points to cycling infrastructure.

We have:

- Supported 5,500 residents into employment across all council initiatives exceeding our ambitious target.
- Created over 500 green jobs.
- Created over 2,000 apprenticeships, more than any other London borough, and supported 240 young people to take up paid internships, despite the significant challenges of the pandemic.
- Supported local businesses through the pandemic with over £253m of support in grants and retail relief, including £18.3m in discretionary grants, getting over 20,000 grants out to Southwark businesses.
- Set up a £2m Business Hardship Fund to support local businesses through the early days of the pandemic, including those who did not qualify for government support – one of only 2 London boroughs to do so.
- Contacted and supported 4,553 local businesses through our business helpdesk throughout the pandemic to help them access support and adhere to restrictions, as well as sharing information and support to over 12,000 businesses through our weekly business newsletter.
- Supported over 160 businesses through the Start Up in London Libraries programmes.
- Supported 12 high streets projects via the High Streets Recovery Fund, with grants totalling £263,124.
- Launched a Young People's Opportunities campaign - our regular email updates are reaching over 2,700 subscribers with news of training and employment opportunities.

- Guaranteed access to education, employment, training or volunteering for every school leaver and ensured that 99.3% of Southwark's 16 and 17 year olds had an offer of an education place, the 4th highest in the country.
- Supported 4,333 residents with training through the Southwark Construction Skills Centre since it opened in 2016.
- Supported 118 creative, cultural and tech businesses through business support programmes since 2020.
- Supported over 5,500 cultural events across the borough.
- Created 15 affordable workspace schemes - the schemes deliver 114 affordable workspace or retail units and 300 desks.
- Supported an increase in the number of Southwark Living Wage employers by 113 since 2018, with 234 organisations in Southwark now accredited.
- Gained accreditation from the Mayor's Good Work Standard, recognising Southwark Council as an excellent employer.
- Launched our business resilience support, which will address the needs of many Black, Asian and minority ethnic businesses with the aim of increasing businesses' prospects of applying for future funding. 517 businesses have been assessed as eligible for the programme, with 53% identifying as a minority ethnic business.
- Ensured that 81.3% of client registrations and 84.5% of our job starts through Southwark Works were residents from Black, Asian and minority ethnic backgrounds.

The climate emergency

Southwark declared a Climate Emergency in 2019, recognising that this is one of the biggest issues affecting our borough, the country and indeed the world. Since then, we have agreed a climate strategy which outlines the bold action we will take to halve emissions in Southwark, and which has been ranked 2nd best of all councils in London by independent action group Climate Emergency UK. We have met our target to halve the council's carbon emissions and we are ensuring that our schools, public buildings and council homes contribute to reducing emissions too. We have made it easier to walk and cycle around the borough, moved to 100% renewable electricity and started work on our ambitious plans to retrofit our council homes to make them greener. We've also planted more than 10,000 trees and continued to protect Southwark's green spaces and biodiversity, for all residents to enjoy.

We have:

- Halved the council's carbon emissions.
- Agreed a climate strategy and action plan which has been independently ranked 2nd in London.
- Set up a Citizens' Jury, made up of a representative group of local residents, to make recommendations to tackle the climate emergency.
- Increased the number of green flag parks from 8 to 30.
- Planted over 10,000 trees, exceeding our ambitious target.
- Dedicated more of our highways to zero carbon uses including walking and cycling, delivering over 13k of cycle lanes and creating almost 100 modal filters, School Streets and widened footways.
- Doubled the number of cycle hangars in the borough, working towards every home in Southwark having a safe space to keep a bike.
- Moved to 100% renewable electricity for council operations and communal housing areas, with plans to roll this out further to estates and schools.
- Retrofitted 1,011 council homes to make them greener (improving EPC standard), developing a roadmap to net-zero for all council homes by 2030.
- Consented planning for 429 new low waste, low energy council homes and begun a low embodied carbon pilot scheme at Ann Moss Way to deliver Passivhaus (the highest green standard) homes.
- Installed rooftop solar panels on 7 council buildings.
- Installed new water source heat pumps on 3 estates to replace inefficient boilers and help reduce our carbon footprint, with 4 new air source new heat pumps being installed in council buildings
- Continued the rollout of new LED lighting for all our street lights, with over 6,000 LED lights installed in our street lighting across the borough and 28% of Southwark's street lights converted to energy efficient LEDs.

- Continued to protect and enhance Southwark's biodiversity, with 86% of Southwark's sites of importance for nature conservation positively managed to improve their ecological value and ability to support biodiversity - the 6th highest rate in England.
- Reduced the carbon footprint of our pension fund by 50%, divesting from all direct investments in fossil fuels, and committed to complete decarbonisation of the fund by 2030.
- Ensured that 100% of new homes in Old Kent Road area action plan are carbon neutral and can be connected to SELCHP.
- Installed 379 Electric Vehicle (EV) Charging Points, including 345 new lamp post-charging points, with another 100 currently being installed.
- Installed or started construction on 69 EV Charging Points in the Old Kent Road, with 105 more being granted planning permission.
- Installed 143 new cycle hire docks where people want them.
- Achieved 99% of Southwark's waste now being diverted from landfill for recycling or energy recovery.
- Launched the Back the Bakerloo campaign and got 22,000 Londoners to sign up to support the Bakerloo line extension, as well as gaining support from MPs, London boroughs, businesses and developers.

Tackling health inequalities

In 2018, the council set out its commitment to reduce health inequality, supporting residents to live healthy lives whatever their background. The need for this important work has become even more stark in light of the pandemic, as the disproportionate impact of COVID-19 has shown the need to break down barriers which affect different communities and prevent people from living a healthy life. We have taken steps to close the gap in health inequalities and strengthen trust in the health system for our Black, Asian and minority ethnic communities. We have also invested in mental health services, supporting almost 10,000 people in the community through the Southwark Mental Health and wellbeing hub, supported survivors of domestic abuse, introduced a Residential Care Charter and provided free school meals over the holidays to ensure that no child in Southwark needs to go hungry.

We have:

- Supported over 16,000 children through food security interventions including offering food vouchers to families of all free school meal eligible children, and delivering 162,674 meals to over 4,000 children through holiday clubs.
- Redistributed 1,000 tonnes of surplus food to community food projects in the borough.
- Distributed activity packs to 736 families who were accessing community food hubs, containing items such as balls and frisbees so they could be active at home when accessing the programme virtually.
- Funded 15 Black-led organisations to further strengthen trust in the health system and commissioned a Black-led organisation to undertake a review of systemic bias in public health commissioning.
- Trained 202 managers and service leads in ways to tackle health inequalities, as part of our newly agreed health inequalities framework.
- Increased the proportion of Black, Asian and minority ethnic residents taking a Health Check to 60%, exceeding our 50% target.
- Supported almost 10,000 adults in the community through the Southwark Mental Health and Wellbeing Hub.
- Launched the Safe Spaces project - offering a safe space for survivors of domestic abuse to access information and make contact with services, with 42 locations across the borough signed up to the initiative.
- Launched a new targeted sexual health promotion service, "Love Sex Life" in collaboration with Lambeth and Lewisham boroughs.
- Introduce free swimming lessons and developed new outdoor activity opportunities, including family fun fitness sessions at Burgess park and Coin Street, and tennis sessions in Dulwich and Belair parks.
- Delivered 32 controlled crossings (zebras, traffic signals, pelicans/puffins etc.) supported by 111 uncontrolled crossings (pedestrian islands etc.) to support residents when walking and staying active.

- Begun construction of the Aylesbury Health Hub.
- Approved at least 199 new extra care homes.
- Begun construction of a new nursing home at Burgess park, which is due to open shortly.
- Introduced a Residential Care Charter to protect vulnerable residents and the people who are working with them to keep them safe, with 4 residential care providers having already expressed interest in signing up.
- Increased satisfaction with home care from 88% to 95%, transforming this vital social service for older and disabled residents.

Homes for all

Every resident should have access to a high quality and genuinely affordable home and all of the benefits this provides. As a council we are committed to doing everything we can to ensure everyone in our borough has a safe place to call home, from building new council homes and maximising the delivery of social rented homes in planning, to preventing homelessness and supporting rough sleepers into long term homes. We're also investing in our existing homes and we have launched the Great Estates programme to deliver estate improvements, and made it easier for residents to grow food and garden on their estates, and to get more involved in decisions which affect their homes. We're also driving up standards in the private rented sector with our landlord licensing schemes and Southwark Gold Standard for private rented properties. During the pandemic we took swift and widespread action to get all rough sleepers off the streets of our borough and despite the challenges of COVID-19, we're continuing with our ambitious long-term homebuilding programme.

We have:

- Built 255 new council homes and started construction on another 1,586, bringing the total number of new council homes we have started work on to more than 2,500, exceeding our target.
- Achieved planning permission for 4,197 new affordable homes, including 2,614 social rented homes.
- Prevented or ended homelessness for 3,019 households since 2018, helping people rebuild their lives.
- Provided emergency accommodation to 447 rough sleepers over the course of the pandemic, and supported 300 rough sleepers into long term homes.
- Delivered the Great Estates guarantee, working with residents to deliver estate improvement pilots on 7 estates, including new lighting and CCTV, new and improved play areas and public art installations.
- Introduced over 100 growing plots on estates, trained 122 community gardeners and launched the new food growing and allotments expansion scheme.
- Introduced a Southwark Gold Standard for private rental properties and clamped down on irresponsible short term lets.
- Introduced a Good Homes Standard for temporary accommodation (currently 90% reaching target).
- Empowered more people who live in council homes to get involved in decisions about their homes and estates, expanding the ways people can get involved.
- Delivered new affordable housing on the Old Kent Road with 2,000 homes under construction, delivering the highest proportion of affordable homes in London.
- Invested over £185m to improve existing council homes.
- Brought 329 empty properties back into use.
- Bought back 20 Right to Buy properties to provide homes to rough sleepers.

- Completed our first two residents' estate ballots to ensure they have the final say on the redevelopment of the Tustin and Ledbury Estates.
- Delivered estate-wide improvements to the Brandon Estate, including to green and communal spaces, and worked with the community across the estate to enhance cohesion. This included events in TRA halls with local park users and a summer football training programme for 60 young people from the Brandon Estate, run by the youth football club which has been awarded £10,000 from the Mayor of London Sport Unites fund to deliver ongoing football training and coaching from Unity Football Club.
- Started construction of 581 new council homes on the Aylesbury estate, as well as extra care housing, housing for people with learning difficulties and key community buildings including the Una Marson Library, a new Health Centre and an Early Years Centre which are scheduled to open by Autumn 2022. Through partnership, a further 59 homes have been completed by L&Q and works are underway by Notting Hill Genesis to build a further 122 homes including accommodation for over 55s.
- Installed almost 2,000 new kitchens and bathrooms in residents' homes, with the programme back on track in 2022/23 following a pause in work during the pandemic.
- Established a Southwark Private Renters' Forum from key stakeholder organisations which is meeting monthly to support work in achieving the goal of a Renters' Union.
- Handled 2,776 complaints against private landlords.
- Invested more than £5 million in new water source heat pump technology at Consort, Newington and Wyndham estates that will enable residents to benefit from low carbon renewable heat all year round, and identified 3,000 additional homes for connection to the network, which would result in around 9,000 tonnes of CO2 saving per year.
- Launched Southwark Construction, dedicated to building thousands of high-quality new homes across the borough while also creating training and employment opportunities for Southwark residents focusing on 'green construction' skills.
- Lobbied the government to fix the broken housing market, pushing for national action on issues including new homes funding, building safety and cladding remediation, Right to Buy and private rented sector improvements.

Great start in life

We want all children and young people in the borough to grow up in a safe, healthy and happy environment where they have the opportunity to reach their potential. Since 2018 we have launched our ground-breaking new mental health drop-in centre for young people, The Nest, rolled out free healthy meals to school nurseries, opened a new secondary school, closed roads around schools to make it easier for children to walk and cycle to school, and improved opportunities for young people through the Positive Futures Fund. Schools in Southwark have gone above and beyond during the pandemic. We have supported them to ensure that pupils were able to learn at home – including providing over 1,700 laptops for disadvantaged children – and to return to school safely. We provided food and activities over the school holidays to ensure no child in Southwark needed to go hungry, and worked with schools to reduce the attainment gap, ensuring no pupils are left behind.

We have:

- Launched the new young person’s mental health drop-in centre, The Nest, providing over 400 individual levels of support in addition to one-off visits since the service opened in May 2020.
- Made available investment of £2 million to Southwark schools to improve mental health and wellbeing, with funding now supporting 76 schools and more than 25,000 pupils.
- Trained more than 260 Mental Health First Aiders in 79 schools across Southwark.
- Improved equity of access to specialist mental health services for Black, Asian and minority ethnic young people.
- Match-funded the £246,120 raised from our residents and local businesses to fund ‘Laptops for Learning’ to support remote learning and provide laptops for 1,708 disadvantaged children in the borough.
- Increased standards in Southwark schools, with 95% of schools now rated Good or Outstanding.
- Opened a new secondary school in Borough.
- Provided every school nursery class in the borough with Free Healthy Nursery Meals.
- Worked with schools to reduce the attainment gap and ensure pupils have been able to catch up with learning missed during the pandemic, including tutoring targeted at those with the pupil premium.
- Invested £25,000 in community support initiatives to support digital exclusion throughout the pandemic, funded through network providers.
- Launched 39 trial School Streets schemes to improve air quality and road safety at primary schools, with 19 permanent schemes now in place.
- Ensured that over 16,000 children had access to food over the school holidays through our summer holiday programme and holiday food voucher schemes.

- Achieved the highest levels of employment, education, or training for 17-21 year old care leavers in the top ten across all local authorities in the country.
- Supported over 6,900 young people through the Positives Futures Fund - an innovative initiative providing grant funding to local projects; offering creative and inspiring opportunities for young people to divert them away from crime.
- Developed the multi-agency Community Harm and Exploitation Hub that provides targeted support to young people - and their families - at risk from gang related activity and serious violence. 131 individuals have received a wide range of support from the programme this year.
- Launched the Youth New Deal, including £2.5 million investment in adventure play, a further £200,000 for mental health support, £100,000 for a new Youth Parliament and an additional £100,000 to implement other Youth New Deal recommendations.
- Delivered a successful 'Summer of Play' in 2020 - summer programme of activities for children and young people delivered by a range of services in the council including the play service, library service, youth service, the culture team, the physical activity team and many more. These events were popular, with over 1700 people coming along.

Thriving neighbourhoods

The pandemic has shown more than ever how important it is to have inclusive, prosperous and sustainable neighbourhoods in every part of the borough, as more people want or need to stay local. We take pride in our town centres and we are working with local communities to make sure all of our neighbourhoods can thrive. We have invested in Southwark's neighbourhoods delivering a new library and heritage centre, improving connectivity and broadband infrastructure, supporting residents to return to our leisure centres following lockdowns and keeping Southwark's streets clean and continuing to improve recycling rates despite the challenges of the pandemic. During the pandemic we launched our Stay At Home library to ensure residents could continue to access our library services even during lockdowns, and we've helped more residents to get online by ensuring over half the homes in Southwark have fibre broadband available – up from only 9% in 2017. As part of our Southwark Stands Together work we have also completed our Public Art, Public Realm & Naming Policies review, to ensure that Southwark's local environment reflects and celebrates our diverse communities.

We have:

- Opened the new Walworth Library and Southwark Heritage Centre in Walworth, hosting 2,000 visitors per week on average.
- Begun restoring Walworth Town Hall including a small business start-up space with café and a community space in the former Newington Library, with construction expected to complete in 2025.
- Opened a new library at Grove Vale in East Dulwich.
- Invested £2.6 million in the new Southwark Sports and Athletics centre. The centre compliments the council's Olympic grade running track and field facilities. The facility will support local athletic clubs, schools and visitors of all levels and there have been 4,345 visits since it opened in November 2021.
- Had over 1.8m visits to our leisure centres in the last year, supporting residents to return to leisure after lockdown restrictions.
- Ensured libraries remain at the heart of our communities, even during the pandemic, with over 25,000 views of our digital Stay At Home library and more than 4,500 attendees of online events. We also achieved over 400,000 loans of e-books and e-audio over the past two years.
- Started construction on a new library and GP Health Centre on the Aylesbury Estate, due to complete in summer 2022.
- Ensured developments have GPs, parks and affordable homes and are child-friendly, including a new 0.8-hectare open space at Elephant Park and planning permission for new parks in Canada Water and Old Kent Road as part of the masterplans.
- Welcomed and supported cultural institutions to come to our borough including the Central School of Ballet and Mountview.

- Completed the Public Art, Public Realm & Naming Policies review to ensure Southwark's local environment reflects and celebrates our diverse communities.
- Connected 39,750 council homes and 21,550 to full fibre broadband, increasing the proportion of Southwark homes with fibre broadband available to 54%, up from 8.82% in 2017.
- Worked with a broadband provider to install a reliable wireless broadband service across the borough which all residents have access to, generating over £5m in income for the next 10 years, and supported telecoms providers in Southwark to leverage £50m fibre infrastructure in the borough.
- Piloted free and affordable broadband by working with providers to support 47 families with a free connection for 12 months, and started a pilot broadband routers loan scheme in a number of libraries targeted at users with specific needs.
- Ensured that 80 community halls now have a free gigabit broadband connection.
- Continued to improve recycling rates despite the impact of the Covid-19 pandemic and diverted over 99% of waste from landfill.
- Cleared 97.86% of all reported or identified fly tips within 24 hours.
- Carried out 30,896 minor highways repairs with 96% completed in good time, with Southwark consistently scoring highly in customer satisfaction including being ranked second in the country in 2020, scoring 9% above the national average.
- Kept a good response to noise nuisance in our communities by responding to 75.5 % of calls, where noise is occurring, within 1 hour.

Item No. 13.	Classification: Open	Date: 8 March 2022	Meeting Name: Cabinet
Report title:		Progress report on insourcing of leisure services	
Wards or groups affected:		All	
Cabinet Member:		Councillor Alice Macdonald, Equalities, Neighbourhoods and Leisure	

FOREWORD - COUNCILLOR ALICE MACDONALD, CABINET MEMBER FOR EQUALITIES, NEIGHBOURHOODS AND LEISURE

Our emergence from the challenges of the past two years has thankfully seen many residents returning to their local leisure centres and attendance numbers continuing to grow. This clearly demonstrates that these services remain hugely important to our communities given the part they play in providing an opportunity for residents to invest in their wellbeing both physically and mentally.

Our leisure services bring huge benefit to our residents and the objectives originally set out at the beginning of the insourcing journey remain a top priority, directly delivering even better leisure services with our residents at the very heart of how we shape the service for the future.

This report highlights the progress made so far on returning the leisure centres to being a directly run council service. It sets out the solid foundations that have been laid during the first phases of planning and mobilisation and outlines the governance structure that has been established to ensure the service is delivered back to the council in a way that minimises disruption to both residents and staff members transferring over. It also sets out the extensive work being conducted across multiple council departments working collaboratively together to deliver a smooth transition.

Whilst tremendous progress is being made we continue to be acutely aware of the challenges we face in delivering such an ambitious project and are working tirelessly to address them, some of which are explored later in the report, that said, we remain focused and determined on delivering the best outcomes for our residents.

The council also recognises the cooperation and support of our current contractor Everyone Active and in particular the members of staff in the Southwark team who continue to deliver a great service in our centres during challenging and changing times. We look forward to welcoming them onboard and continuing to deliver and develop excellent services for our residents in the future.

RECOMMENDATION

1. That the Cabinet notes the progress that has been made in respect of the delivery of the project plan, the challenges and opportunities associated with insourcing, and management of risk in respect of the insourcing of the leisure service.

BACKGROUND INFORMATION

2. Following the recommendation of the GW0 report in March 2021, on 14 September 2021, the cabinet considered the GW1 Procurement Strategy report for insourcing the leisure service and approved the plan to bring the leisure service back in-house in June 2023 at the expiry of the current contract with Sports and Leisure Management Limited (operating as Everyone Active).
3. The Cabinet further approved the deployment of appropriate immediate resources and one-off mobilisation costs to plan and manage the insourcing process.
4. The council's primary aims and objectives for the insourcing strategy are;
 - To give the council direct control over its leisure services and enable, in time, significant innovation in leisure provision, through wide-reaching cross-council and whole system collaboration, which further enhances the health and well-being of Southwark's residents.
 - Transferring the service as smoothly as possible for customers
 - Transferring the service as smoothly as possible for staff
 - Delivering a value for money service.
5. The challenge of bringing this complex customer-focused and market-driven service in-house cannot be underestimated and, in the first instance, the focus must be on a safe and smooth transition from the current provider to direct delivery by the council in June 2023 - with the aim of having no detriment to the current levels of service provision and minimum impact on staff transferring. It is recognised that the commerciality and market sensitivity of the insourced leisure service means that it cannot be considered in the same way as other services and will require innovative and alternative approaches and skill sets.
6. In the longer term, once the service has been transferred and been given sufficient time to settle, the council also wishes to address the following long-term objectives and opportunities:
 - To ensure that the council can provide leisure facilities and services according to its priorities, maximising opportunities for residents to lead healthier lives
 - To ensure the health and wellbeing of residents is prioritised as we emerge from the pandemic, especially those from Black, Asian and Minority Ethnic communities (in accordance with the principles of

Southwark Stands Together)

- To work innovatively with key departments and divisions across the council and with partners, to provide excellent services for residents most in need
- To minimise the immediate financial impact of the delivery of services
- To run a service that is fit for the future and can respond flexibly to shifting priorities
- To increase the numbers of locally employed people who will benefit from the council's favourable terms and conditions.

7. The Cabinet report of 14 September 2021 noted that a progress report would be brought back to Cabinet in Spring 2022 in order to provide an update on progress with the delivery of the project plan and management of the risks identified in the GW1 report.

8. This paper provides the progress report.

PROGRESS UPDATE

Governance Arrangements

9. Comprehensive governance arrangements have been established for the delivery of the leisure insourcing project.

10. The reporting and governance of the leisure insourcing project is being carried out primarily within four groups:

- The Sponsor Board
- The Programme Board
- The Project Delivery Team
- Working Groups.

11. The Sponsor Group comprises the Strategic Directors of Environment and Leisure, Finance and Governance and Housing and Modernisation with the Director of Leisure and Head of Parks and Leisure. The Group meets every four weeks and is responsible for steering the overall direction of travel and for providing resources and support for the insourcing project.

12. The Programme Board comprises the Director of Leisure, the Head of Parks and Leisure, the Departmental Project Manager and representations from each of the Council's relevant service areas, including finance, procurement, legal, HR, communications, ICT, health and safety, physical activity, facilities management, children's and adult's services, public health and climate change. The Programme Board meets every four weeks and is responsible for the successful implementation of the project, ensuring effective communication with the Project Team.

13. The Project Delivery Team comprises the Director of Leisure, the Head of

Parks and Leisure, the Group Manager for Physical Activity and the Departmental Project Manager. The Project Delivery Team meets weekly and is responsible for reviewing the actions and outputs of the work streams and for the overall monitoring and progress of the programme. The Project Delivery Team have commissioned FMG Consulting Ltd, specialist sport and leisure consultants, to provide advice and support in respect of the insourcing project.

14. The Working Groups are led by the representatives from each of the council's relevant service areas and are responsible for defining and undertaking the specific tasks in each workstream, keeping the Programme Manager informed of progress and supporting the Project Delivery Team on the development of the new leisure offer.
15. Whilst the leisure insourcing will follow standard constitutional processes in relation to formal decision making, in view of the magnitude, significance and scale of the insourcing programme, regular joint Lead Member Briefings will also be arranged for relevant Cabinet Members.

Work to Date

16. A draft programme plan was provided as part of the GW1 Procurement Strategy report. This plan detailed five phases of work as follows:

Table 1 – Programme Plan Phases

Phase	Task	Timeframe
Phase 1	Programme Set-up and Planning	Sept – Dec 2021
Phase 2a	Mobilisation and Preparation for Transfer	Jan 2022 – May 2023
Phase 2b	Strategic Outcomes Planning	Jan 2022 – May 2023
Phase 2c	Commencement of Insourced Service	Jun 2023
Phase 3	Service Activation and Bedding-In	Jun 2023 – May 2024
Phase 4	Service Development and Enhancement	Jun 2024 – Dec 2025
Phase 5	Service Evaluation	Jan 2026– Mar 2026

17. The key focus of the Project Team in the early stages of the programme plan has been to develop the vision for the intended scope and ways of working and to enable a “target operating model” to be drafted for the insourced leisure services in the context of the council's wider services and support structures.
18. The objectives of this work have been to consider the respective roles of the new insourced leisure service and the various central support services both in the mobilisation phase and following commencement of the insourced service, to clarify how the new services fit with the existing council structures, to identify additional resource requirements, both in the leisure department and central support teams, (and in consultation with the unions) and to develop an understanding of the key issues and risks that will need to be managed through the project, together with potential mitigating strategies.

19. In parallel with this work, the Project Team is meeting regularly with senior leisure officers in neighbouring boroughs. This approach is particularly pertinent in relation to Lambeth, as it has also made a similar strategic decision to insource its leisure services. The Project Team is working to explore any opportunities for economies of scale, synergies and joint working.

Target Operating Model

20. At this stage, it is not anticipated that significant changes will be made, at least in the short term, to the site-specific management and staff team structures at each of the leisure facilities in Southwark. Further consideration will be undertaken in this respect as further information is received regarding the transferring workforce nearer to the point of transfer.
21. An indicative senior management team structure has been developed for the insourced leisure service. This indicative structure has been developed in advance of analysis of the details of the workforce likely to transfer from Everyone Active and in advance of consultations with staff and unions.
22. Authority for permanent structural changes to the workforce will be sought via the normal Council-process, with approval by the Strategic Director of Environment and Leisure, through an IDM report. Union colleagues will also be consulted on draft proposals, in line with due process. Alongside the formal process, additional meetings will also be proposed, to maximize information sharing and collaborative opportunities.
23. The indicative management team structure comprises a senior lead, the Head of Leisure Insourcing, supported by three senior managers, the Leisure Operations Manager, the Leisure Commercial Manager and the Leisure Systems Manager.
24. The proposed approach is that the Head of Leisure Insourcing, a two-year fixed term post, will have overall responsibility for the delivery of the mobilisation and operational phases of insourcing the service. The Leisure Operations Manager will line manage the General Managers and oversee day-to-day leisure operations, including facility management, cleaning, health and safety and quality matters. The Leisure Commercial Manager will drive the income generating activities of the insourced leisure service, overseeing sales, marketing, programming and wider physical activity and partnership matters. The Leisure Systems Manager will manage the key structures and systems underpinning the insourced leisure service including finance, ICT and HR matters.
25. After the mobilisation period is complete, and services bedded in, the Head of Leisure Insourcing role will end, and will be replaced by recruitment to a permanent Head of Leisure Services and Facilities. This

model has been adopted following feedback from the leisure and recruitment sectors, recognising the specific skills required for the insourcing period and those required once that has been completed.

26. The relationships between the new leisure team and the Council's existing central support teams, including their respective roles and responsibilities, have been considered in some detail, following in depth discussions with each key service discipline (FM, HR, ICT, Finance, Marketing and Comms etc). In general terms, the new leisure team will be responsible for leading and coordinating the mobilisation and ongoing operation of the insourced leisure services.
27. In this general context, specific input and resource will be required from the various central support teams during the mobilisation phase (i.e. in Phase 2a) as follows:
 - The central HR team will support the recruitment of mobilisation resource as and when it is needed, the review of TUPE information received from Everyone Active, the planning for harmonisation of terms and conditions and the management of the TUPE transfer process itself
 - The central FM and technical teams will support with any necessary liaison with the council's wider FM provider and with the procurement of appropriate utility supply arrangements
 - The central Health and Safety team will provide an initial sampling assessment of existing health and safety arrangements in the leisure facilities and oversight as the leisure team develops new health and safety policies and procedures for the insourced leisure service
 - The central Communications team will provide oversight as the leisure team develops new marketing and communications policies and procedures, to support the development of site and/or service branding, to understand customer and non-user views and use them to inform the future service, to support the delivery of the leisure team's marketing and communications plan and to advise in respect of PR activity
 - The central ICT team will review the existing ICT infrastructure and functionality with a view to establishing new systems to at least replicate existing service provision. This is likely to involve the procurement of relevant ICT system partners and, potentially, the development of bespoke solutions for the insourced leisure service, integrated as appropriate with wider council systems (being mindful to utilise existing systems to avoid replication, wherever practicable to do so)
 - The central finance team will support the leisure team's financial reconciliation with Everyone Active as the current leisure management contract expires. They will guide the leisure team through relevant financial management and budget setting processes and will support with the establishment of insurance and direct debit collection arrangements
 - The central Legal and Procurement teams will provide advice across

a range of areas, including the procurement of new supply arrangements and establishment of new contracts, the management of the TUPE transfer process, the transfer of staff and customer data and the governance arrangements of the insourced leisure service.

28. Further, ongoing input and resource will be required from the central support teams once the insourced leisure service has commenced (i.e. in Phase 3) as follows:
- The HR team will need to provide oversight of HR policies and procedures, support for ongoing recruitment needs and delivery of payroll and pensions administration;
 - The central FM and technical teams will need to provide ongoing support with utility supply procurement and will support the leisure team on specific major capital projects as and when necessary;
 - The central Health and Safety team will provide support and advice as and when required;
 - The central Communications team will need to maintain oversight of the leisure team's implementation of agreed style guides and marketing plans and may provide specific support in agreed areas;
 - The central ICT team will need to provide ongoing management of the ICT infrastructure and coordination of in-house and subcontracted services, supporting the leisure team's ICT resource;
 - The central Finance team will need to provide oversight of the leisure team's finance policies and procedures, provide accountancy services for the insourced leisure service and deliver an appropriate audit function;
 - The central Legal and Procurement teams will need to provide oversight of procurement policies and procedures and ongoing legal advice.

Resource Requirements

29. The proposals for the Target Operational Model and the consideration of the roles and responsibilities of the new leisure team and the Council's existing central support teams are informing the identification of additional resources required. The final structure will be drafted over the coming weeks, in line with standard recruitment processes.
30. The Council's framework interim recruitment supplier (Osborne Thomas) was commissioned to undertake a search for the two year Head of Leisure Insourcing role. Active recruitment, both internally and within the external market place took place in January and an offer has been accepted. When in post, this role will then lead the recruitment of the operations, commercial and support manager roles, in line with the Council's standard recruitment processes. Officers are also working to recruit a replacement programme manager, additional HR support and another ICT post. Further additional roles have also been scoped and will be brought on stream as the programme develops. Discussions are also underway across each discipline with regard to additional bespoke

support that may need to be externally procured – including legal, HR, design, marketing and comms.

Key Issues / Challenges

31. Southwark is one of the first boroughs to fully insource leisure services following a period of externalisation, and whilst the opportunities associated with this unique approach should not be under-estimated, neither should the challenges associated with this process.
32. As the various workstream considerations have progressed, a number of key issues and challenges have been identified which will need specific attention through the mobilisation and/or post-transfer phases. These key issues include the following:
 - **General** – Ensuring a seamless transfer of services from Everyone Active to Council management, to ensure a positive customer experience and to minimise any impact on staff.
 - **Human Resources** - The need for a thorough and concerted onboarding process. This will involve early engagement with the workforce transferring from Everyone Active, with the aim of minimising loss of resource, facilitating smooth transfer and engendering positive staff morale in advance of the transfer to insourced delivery
 - Harmonisation of the terms and conditions of the workforce transferring from Everyone Active with council terms and conditions. Further consideration is being given to the optimal timing of the harmonisation to maximise benefits and minimise risks, with the key objective being to ensure that transferring staff benefit from the changes as soon as possible, but also enjoy a smooth experience. Harmonisation will require the completion of significant preparation work through the course of the mobilisation phase;
 - The recruitment of suitably skilled and experienced new leisure and central team staff, to ensure sufficient capacity to manage the new service.
 - **Facilities Management** - The need for a coordinated approach to the establishment of new FM arrangements, including the potential procurement of a range of new direct sub-contractual arrangements, either through multiple single contracts, or via an umbrella arrangement with a FM delivery partner. A 'single supplier' procurement approach will be required in some instances
 - Ensuring that relevant surveys are undertaken and legal obligations are met in relation to dilapidations at contract exit.
 - **Procurement** – procuring goods and services in a timely manner, and in line with public procurement regulations – and in a way that enables the speed and flexibility required for the delivery of leisure services, within a commercial market-place.

- **Marketing and Communications** - The initial development of site and service brand and style guides to ensure that the marketing and communication activity of the insourced leisure service is in accordance with council policies and procedures whilst also enabling commercial flexibility and appeal in a highly competitive market
- Ensuring brand appeal, to enable customer retention and new sales.
- **ICT** - The need to specify and develop ICT systems and functionality which at least replicate existing provision for leisure service users; this is likely to involve the procurement of an appropriate ICT system supplemented by the development of bespoke systems and applications, where suitable existing systems are not already available;
- Identifying areas that are suitable for delivery through the shared ICT service, and those which require delivery by LB Southwark.
- **Legal** - The need to manage the GDPR-compliant transfer of staff and customer data from Everyone Active to the insourced leisure service at the commencement of the operational phase;
- **Finance** - The establishment of financial management systems which are fully compliant with council policies and procedures and provide suitable commercial flexibility
- Recognition that the current leisure market is volatile, due to the impact of Covid, making short-term business planning challenging;
- A clear view as to whether the council service will be based on a cash-taking or cashless operation.
- **Contract Exit** - The ongoing monitoring of, and liaison with, Everyone Active and the management of the expiring leisure management contract.

33. These issues and others associated with each service area are the subject of ongoing consideration and management as part of the Working Group discussions, and are captured in the detailed plans developed for each work area.

Key Risks

34. Table 2 below provides an update of the key risks which have been identified and are likely to arise through the course of the delivery of the programme plan.

Table 2 – Summary of Key Risks

Risk	Notes	Likelihood	Potential impact	Mitigation/Control measures	Revised impact
Impact of COVID-19	Uncertainty around medium	Medium	High	- close monitoring of EA and wider sector	Medium

Risk	Notes	Likelihood	Potential impact	Mitigation/Control measures	Revised impact
	and longer-term impact of COVID pandemic			recovery; - detailed budget planning for operational phase, including sensitivity analysis	
Financial performance	Uncertainty of future financial performance	Medium	High	- detailed budget planning, including identification of cost mitigation measures; - implementation of budget management and performance monitoring procedures	Medium
Operational performance	Scope for poor or inconsistent operational performance	Medium	Medium	- recruitment and training of appropriate leisure professionals to oversee the service; - establishment of robust quality management systems; - implementation of appropriate customer engagement systems	Medium
Lack of capacity to recruit required additional staffing levels at pace	Delay in recruiting skilled resource to deliver through mobilisation phase	Medium	High	Early recruitment of sufficient HR support to ensure sufficient resource to support the wider recruitment process	Medium
Impact on central services	Uncertainty re scope and level of additional support likely to be required	High	Medium	- early proactive engagement with central service teams; - ongoing working group discussions and programme plan delivery; - identification and recruitment of additional resource requirements; - establishment and management of mobilisation budget	Medium
Staffing –	Lack of relevant	Medium	Medium	- early confirmation	Medium

Risk	Notes	Likelihood	Potential impact	Mitigation/Control measures	Revised impact
senior leisure management	senior leisure management expertise in existing in-house team			of intended senior management structure and delivery of recruitment strategy; - ongoing commissioning of appropriate external specialist leisure expertise	
Staffing – retention of staff	Scope for loss of staff to other EA contracts and/or loss of staff morale	High	Medium	- early engagement with EA to establish TUPE information and assert contractual provisions re changes of staff structures; - implementation of proactive onboarding plan for transferring workforce	Medium
Early contract exit	Potential for EA to fail or pursue early exit from contract	Low	High	- continued engagement and open communication with EA; - continued monitoring of market recovery and understanding of any impacts on EA	Low
Programme delays	Scope for elements of the mobilisation process to be delayed	Medium	High	- establishment of clear project governance arrangements; - establishment and delivery of detailed programme plan	Medium
Failure to achieve benefits of insourcing	Potential for practicalities of mobilisation to divert focus from insourcing benefits	Medium	High	- established of clear project governance arrangements with clear description of strategic objectives; - Implementation of strategic outcomes planning process as early part of programme plan.	Medium
Failure to at least replicate	Negative impact on customer	Medium	High	- early engagement with EA and central	Medium

Risk	Notes	Likelihood	Potential impact	Mitigation/Control measures	Revised impact
existing ICT functionality and service provision	perceptions and commercial performance			ICT team to establish requirements; - Recruitment of appropriate internal and external resource to oversee process.	
Reputational risk if programme is not delivered on time and to a high standard	High profile insourcing will attract attention. Poor performance will become highly visible	Low	medium	Careful and early planning and early recruitment of sufficient resource will limit likelihood of poor performance. High level support and engagement from both Members and senior officers will ensure clear vision and ensure smooth implementation.	Medium / Low

Mobilisation Costs

35. As set out in the GW1 report, a mobilisation budget of £2.4million has been established for the mobilisation process.

Policy framework implications

36. The management of the leisure centres and delivery of excellent leisure services is directly linked to the council's commitment to a 'Fairer future for all', in particular:

We want to break down barriers that prevent people from thriving in Southwark, so that whatever your background you can live a healthy life

37. The refreshed Borough Plan 2020 - 22 sets out a series of commitments across eight themes:

- COVID-19 response
- Southwark Together
- A green and inclusive economy
- Climate Emergency
- Tackling health inequalities
- Homes for all
- A great start in life
- Thriving neighbourhoods.

38. Leisure centre provision contributes to the delivery of these commitments. In particular, the Borough Plan states, 'Invest in our leisure centres and ensure our residents can continue to access high quality leisure services.'
39. In addition, leisure centre provision is an important part of the Active Southwark strategy which was agreed by the cabinet in April 2019. The themes of the strategy are:
- Active People – understanding the circumstances of individuals to better shape our services and offer
 - Active Places – shaping our environment and facilities so that they encourage more people to be more active
 - Active Communities – maximising resources and building partnerships with our communities that promote physical activity.

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

Community impact statement

40. As noted in 'Table 1 – Programme Plan Phases', the council will be undertaking strategic outcomes planning which will reflect upon how and where the in-house leisure service can contribute positively to the delivery of the council's wider strategic outcomes. This fundamental review will reflect the specific objectives and priorities established in the Borough Plan and the 'Southwark Stands Together' pledges, whilst also recognising wider local needs and the strategic objectives of relevant partners and stakeholders. In particular, it is expected that the strategic outcomes planning will focus on the scope for the in-house leisure service to help to address health and other inequalities in Southwark.
41. Potential areas of community impact would be in relation to any changes implemented based on the result of the strategic outcomes planning work. To minimise any impact on the community and residents with protected characteristics, an equalities impact assessment will be carried out if any changes to the service are proposed.
42. That said, it should be noted that at the point of transfer there will be limited impact on the community as the council plans to retain its existing leisure offer for at least one year to ensure a successful transition/ bedding in period.
43. The Equalities Impact Assessment will be updated at key milestone intervals throughout the mobilisation period.

Equalities (including socio-economic) impact statement

44. 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 details of how social value will be incorporated within the insourcing of the leisure services are set out in the following paragraphs.

45. The insourcing of the leisure service will result in benefits for the local economy. One of the council's key objectives of insourcing the service is to increase the numbers of locally employed people who will benefit from the council's favourable terms and conditions.
46. The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that all staff, contractors and subcontractors engaged by the council to provide works or services within Southwark pay their staff at a minimum rate equivalent to the LLW rate. EA are currently also delivering on this commitment so this would continue and the council will pay the London Living Wage.
47. The council does not utilise harmful zero hour contracts and is committed to employing full and part time staff as opposed to casual staff. The council know that for industry relevant reasons EA do use zero hours contracts but they aim to keep this to a minimum. The council would review this position with the aim to reducing the number of zero hours contracts further.
48. The council will continue to appoint apprentices as part of an insourced leisure service.

Health impact statement

49. The long term objectives of insourcing the leisure services outlined in paragraph 6 are directly linked to reducing health inequalities and improving the opportunities for residents to lead healthier lives through the development of a more resident focused service.
50. The process by which the leisure services are insourced does not impact on the current opportunities that residents have, as the initial aim is to provide the same service that residents currently receive, before extending the offer.
51. Throughout the process of insourcing the leisure services, the Project Delivery Team will regularly consult with key health stakeholders such as the Public Health team and Adult and Social Care Team to develop the long term vision for the service, so ensuring that it remains closely aligned to their current policies and strategies for reducing health inequalities and providing equitable access to services for all residents.
52. In addition to this, the Strategic Outcomes Planning exercise, in phase 2 of the project delivery phases, will also assist the council on focusing the long term delivery of the service where is it needed the most in order to meet the objectives set out in paragraph 6.

Climate change implications

53. The council's leisure providers have always been required to provide acceptable and appropriate environmental policies, required to deliver on specific performance targets for increasing recycling, reducing waste and energy consumption and expected to implement energy management plans aimed at reducing carbon emissions in line with the council's own targets.
54. With the council declaring a Climate Emergency it is expected that the requirements of an insourced service will not only continue to uphold the existing standards in place, but to expand on them over time. In this regard, the service will seek to set the example of good environmental impact management and deliver on the key objectives from the Climate Emergency Action plan approved by cabinet in July 2021.

Resource implications

55. As detailed in paragraphs 29-30 the insourcing of the leisure service has significant resource implications. The two year Head of Leisure Insourcing will oversee the recruitment of the operations, commercial and support manager roles, in line with the council's standard recruitment processes. After the mobilisation period is complete, and services bedded in, the Head of Leisure Insourcing role will end, and will be replaced by a permanent Head of Leisure Services and Facilities.
56. Officers are also working to recruit a replacement programme manager, additional HR support and another ICT post. Additional roles have been scoped and will be brought on stream as the programme develops, following the normal recruitment processes. Discussions are also underway across each discipline with regard to additional bespoke support that may need to be externally procured – including legal, HR, design, marketing and comms.
57. As noted in paragraphs 27 and 28, specific input and resource will be required from the various central support teams during the mobilisation phase and once the insourced leisure service has commenced.
58. It should also be noted that the council has an agreement in place to utilise the services of a specialist sports consultancy if required over the next 18 months, in order to support the insourcing of the leisure service.
59. Staff in the current leisure contract will be protected under the Transfer of Undertakings (Protection of Employment) legislation (TUPE). There will be amendments to the final number of staff until the TUPE transfer takes place. The impact of these changes on HR and payroll will be managed as part of the HR working group.

Legal implications

60. As noted in paragraphs 67-69 below.

Financial implications

61. The cabinet report of 14/9/2021 which approved the recommendation to insource the leisure services also approved the mobilisation cost of £2.4m connected with this process to be funded from earmarked reserves.
62. The cost of this procurement will be allocated against the revenue budgets of the Sports and Leisure team and any costs that cannot be contained within departmental revenue budgets will be submitted for funding from the earmarked reserves at year end.
63. A new and specific cost centre has been setup to collate and monitor all costs associated with the insourcing of the council's leisure facilities and related services. The related costs will be monitored and reported as part of the departmental revenue budget monitoring process.

Consultation

64. Staff - Formal engagement and consultation will take place with existing Everyone Active staff as part of the TUPE process; this has been built into the programme plan. Consultation will also take place with the relevant Trade Unions as part of this process to assist with robust check and challenge of the programme management process. The aim is to make the transition from external contract to council employee as smooth and informed as possible. In addition to the formal processes, informal discussion will also take place between staff (as supported by, and agreed with, EA) and with the unions, to seek to minimise disruption, reduce anxiety associated with change, and maximise opportunities.
65. Internal stakeholders – relevant teams and departments such as public health and adult and social care are part of the governance structure of the programme to insource the services. As such they have representatives on the corporate steering group, and the Programme Management Team will have regular workshop meetings to explore the insourcing route and future direction of the service in more detail.
66. External stakeholders and residents – Extensive consultation with these groups will take place as part of the Strategic Outcome Planning work.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

67. There are no specific legal implications arising from the recommendations in this report, which is an update report in respect of the planned insourcing. Advice has previously been given in the earlier reports to

Cabinet concerning this insourcing, and specifically the gateway 1, which is still relevant.

68. The Cabinet's attention is drawn to the Public Sector Equality duty (PSED General Duty) under the Equality Act 2010, which requires public bodies to have regard, when making decisions, to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not share it. The PSED General Duty is a continuing duty, and therefore the Cabinet is specifically referred to the community, equalities (including socio-economic) and health impacts at paragraphs 40-52, setting out the consideration that has been given to equalities issues which should be considered when noting the recommendations in this report.
69. The Director of Law and Governance and her staff will continue to provide advice to officers on any legal and governance issues arising during the programme plan phases noted in Table 1.

Strategic Director of Finance and Governance (EL21/139)

70. The report is requesting the Cabinet to note the progress that has been made in respect of the delivery of the project plan, the challenges and opportunities associated with insourcing, and management of risk in respect of the insourcing of the leisure service.
71. The strategic director of finance and governance notes the financial implication on the funding arrangements and understands that any mobilisation costs will be incorporated within the departmental revenue budget monitoring and reporting arrangements.
72. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Gateway 1 - Procurement Strategy Approval Insourcing the leisure service	Leisure Team, 160 Tooley Street	Tara Quinn 07940788704
Link (copy and paste into browser): https://moderngov.southwark.gov.uk/documents/s101258/Report%20Gateway%201%20-%20Procurement%20strategy%20approval%20insourcing%20the%20leisure%20service.pdf		
Gateway 0 - Appraisal of management options for leisure centres	Leisure Team, 160 Tooley Street	Tara Quinn 07940788704
Link (copy and paste into browser): https://moderngov.southwark.gov.uk/documents/s94286/Report%20Gateway%200%20-%20Appraisal%20of%20management%20options%20for%20leisure%20centres.pdf		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Alice Macdonald, Equalities, Neighbourhoods and Leisure	
Lead Officer	Toni Ainge, Director of Leisure	
Report Author	Tara Quinn, Head of Parks and Leisure	
Version	Final	
Dated	24 February 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
Date final report sent to Constitutional Team		24 February 2022

Item No. 14.	Classification: Open	Date: 8 March 2022	Meeting Name: Cabinet
Report title:		Lindley Estate – appropriation for planning purposes	
Ward:		Old Kent Road	
Cabinet Member:		Councillor Stephanie Cryan, Council Homes and Homelessness	

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

At the time of writing, more than 16,500 households were recorded on Southwark’s housing register in need of rehousing, having risen sharply as a consequence of the pandemic – behind these figures are stories of families living in overcrowded homes, delaying key life decisions due to extortionate housing costs, health problems linked to housing, children’s educational attainment and younger people’s ability to invest in themselves and their futures thwarted. In this context, Southwark is resolved to maximise the overall social rented stock in our borough, including through pursuing an ambitious programme for building new council homes.

This year, we will begin construction on 44 new council homes at the Lindley Estate, as part of our long-term commitment to build 11,000 new council homes by 2043. Unlike in previous periods of council house building where large sites lent themselves to comprehensive estate development and (relatively) simpler approaches to land assembly, today, most of our development sites involve the repurposing of existing housing land with a greater risk of historic property rights emerging that may frustrate the process. We owe it to residents on our waiting list and to neighbouring residents who have contributed positively to the design and associated landscaping of these new homes to mitigate any risk to the development. Cabinet is therefore recommended to approve the appropriation of the highlighted land from housing to planning and back to housing, an administrative process that will enable construction of the approved scheme to proceed with confidence.

RECOMMENDATIONS

That Cabinet:

1. Confirms that the land shown outlined on the plan at Appendix A, that is currently held for housing purposes, is no longer required for those purposes and approves the appropriation of the land to planning purposes to facilitate the carrying out of the development proposals for the area in accordance with section 226 of the Town and Country Planning Act 1990 and section 122(1) of the Local Government Act 1972.

2. Confirms that following completion of the appropriation at paragraph 1 the land shown outlined on the plan at Appendix A will no longer be required for planning purposes, and approves the appropriation of the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

BACKGROUND INFORMATION

3. This report recommends the council appropriates for planning purposes certain freehold land in its ownership. This will engage powers under section 203 of the Housing and Planning Act 2016, overriding third party rights in the land, which are then converting to a claim for compensation.
4. This course of action is recommended on the basis it will facilitate delivery of a development scheme of significant public benefit; in the form of 44 new council homes and various environmental improvements.
5. The report further recommends the land be appropriated back to housing, on the basis that this ultimately will be its use.
6. The Council has used this mechanism to facilitate several of its housing development projects.
7. The site currently comprises a two-storey block of 10 bedsits, a vacant commercial unit and grassed area fronting Commercial Way and Peckham Park Road. It is a predominantly residential area. The Council holds the freehold interest in the land within its Housing Revenue Account.
8. Planning consent was granted on 16 August 2021 for the demolition of the existing two-storey block, and construction of a five-storey residential building, accommodating 44 new social rented homes of which four will be wheelchair units (planning application 21/AP/0749).
9. Lindley Estate is part of the wider development of Bells Garden which achieved planning consent on 29 January 2021 and will deliver 83 homes, a brand new community centre, Multi Use Games Area, play spaces and landscaping. In addition, there will be landscaping improvements to Sidmouth House and West Lindley Estate, which includes upgrading the existing bollards, planting new trees and shrubs.
10. On 28 November 2018 Council Assembly approved the current Council Plan. This sets a number of commitments to our community including A Place to Belong; one of the undertakings to meet this commitment is to Build at least 1,000 more council homes by 2022. The recommended appropriations in this report are to further this commitment.
11. In pursuit of this, a number of sites throughout the borough have been identified as providing capacity for additional new homes. Once identified, the development of those sites is consulted upon with the local

community, a planning application is made and if appropriate planning consent is granted for the proposed new homes.

12. The consented scheme referred to at paragraph 8 will provide:

17	x	One bedroom two person flats
16	x	Two bedroom flats
9	x	Three bedroom flats
2	x	Four bedroom flats

13. The new homes will be let at council rents on lifetime council tenancies. At least half of the new council homes will be reserved for residents who live in the immediate area who have an unmet housing need, ensuring local residents directly benefit from the new council homes and maintain their local social, childcare and family connections.

14. It is intended that construction work will commence in spring 2022.

KEY ISSUES FOR CONSIDERATION

15. If the recommendations in this report are accepted, the key impact will be that the owners of third party rights that are interfered with by the development, will no longer be able to apply to court for an injunction to stop the development. They will instead have the right to claim compensation.

16. Appendix B sets out further details of the rationale behind the recommendations in this report. Cabinet should be satisfied that:

- a. The Council owns the site – which it does as part of freehold title SGL237780.
- b. The development of the site has planning consent – which it does under application number 21/AP/0749.
- c. That the development behind the intention to appropriate for planning purposes is likely to improve the economic, social or environmental well-being of the area – and there is clear evidence that the consented scheme will do this.
- d. That the appropriation back to housing is correct – which it is, on the grounds the land will be used to provide accommodation by erecting housing on the site.

17. Cabinet will want also to consider that the course of action recommended is necessary and proportionate.

18. As part of the planning process, a daylight sunlight and overshadowing report, was produced by a specialist surveyor. This identified potential interference from the scheme to the lighting of some rooms in neighbouring properties. However, the overall conclusion from the report was that the development is not considered to result in an unacceptable

significant impact on the amenity of the surrounding residents in terms of daylight or sunlight.

19. The daylighting sunlight report, whilst generally positive, does recognise there will be some impact to neighbouring properties. These adverse impacts were not of a degree to cause refusal of planning consent, but their existence poses a risk in being able to build the scheme, because affected persons may apply to the court for an injunction to stop it proceeding.
20. Even if such an application ultimately fails, it still has the potential to delay delivery of much needed new homes. It is not unreasonable therefore to look at mitigation of this risk.

Appropriations

21. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights can be overridden. The beneficiaries of such rights can still claim compensation but cannot seek an injunction to delay or terminate the development.
22. This gives the Council the certainty that having commenced construction works a person with the benefit of an unregistered right over land (there is no comprehensive register of third party rights) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites.
23. Another approach for the Council would be to either, not appropriate the site and accept the risk of delay from injunction. Or, not appropriate and take out insurance against the cost of claims. Neither approach addresses the central issue of the risk of delay whilst an application to injunct is considered by a court – nor the risk an injunction might be successful and the development stopped.
24. Appropriation is considered to give a greater degree of certainty and is considered proportionate. The chief impact of this approach is that the owners of third party rights lose their ability to stop the development by injunction, but they retain the right to compensation.
25. The compensation a person affected by interference of a right may be entitled to, is based on the value of their properties before the right has been interfered with versus the value of the property with the interfered right; the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber). The onus is upon the claimant to prove a loss in value, and compensation only becomes payable once there is an actual interference with a right.

26. In this case it is recommended that the land outlined on the plan at Appendix A be appropriated from housing purposes to planning purposes. This will mitigate the risk of legal action to frustrate the scheme being delayed or completed. Thereafter it is recommended the land is appropriated to housing purposes as this is the most appropriate basis on which to hold the site.

Rationale for recommendations

19. a. To mitigate against the construction of new Council housing being frustrated or delayed by legal injunction.
- b. To deliver a current Council Plan commitment.

Community impact statement

20. The Council Plan was the subject of extensive community consultation. The recommendations herein further the delivery of the *A Place to Belong* commitment set out in the Plan.
21. The Equality Act 2010 requires the Council in the exercise of its functions to have due regard to the need to:
- a) eliminate discrimination;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
22. Relevant protected characteristics for the purposes of the Equality Act are:
- Age
 - Civil partnership
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex and sexual orientation.

23. In considering the recommendations herein the cabinet must have due regard to the possible effects on any groups sharing a protected characteristic in order to discharge its public sector equality duty. This is an ongoing obligation.
24. If the recommendations set out are approved, the Council will be able to proceed with the construction of 44 new homes. Based on the information available it is not considered there are any particular groups sharing a protected characteristic that will be adversely impacted by the proposals. The new housing should be beneficial across the range of protected characteristics.

Health impact statement

25. It is widely recognised poor quality housing has an adverse impact on the health of residents. Such effects may manifest in mental and/or physical health terms.
26. Whilst it is not yet known who will be accommodated in the new homes, they will ultimately allow 44 applicants on the housing waiting list to become secure council tenants and to move into good accommodation that should be beneficial to their health, with a corresponding reduction in health service demands.

Climate change implications

27. The Screening Opinion (Environmental Impact Assessment) for the development concluded the proposed development is unlikely to give rise to any significant environmental effects that would require the submission of an Environmental Statement.
28. The construction phase will generate some waste and measures to limit dust and impacts on air quality, which will be managed through a construction management plan and environmental protection procedures.
29. To offset the impact of the new construction the Council following commissioning of energy, flooding and overheating reports (available under planning documentation see weblink at end of this report) has designed the new building to mitigate as far as reasonably possible the adverse climate change implications arising from the proposed construction. For instance, the new scheme will be connected to the District Heating Network and the unilateral agreement states the scheme cannot be occupied until the development is connected to the District Heating Network or the carbon Green Fund Contribution has been paid to the Council in full.

Financial implications

30. The construction of the new homes and their associated works will have a significant cost and an approved budget exists for this. The budget will

need to make provision for any compensation claims for diminution in value that may arise as a consequence of the interference with any rights.

31. Where land is appropriated from the housing revenue account to the general fund there is a transfer of debt between the accounts. When land is appropriated from general fund to the housing revenue account this debt transfer is reversed. As both appropriations will take place on the same day there will be no net transfer of debt and there are, therefore, no financial implications arising directly from the recommendations made in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

30. The report recommends the appropriation of council owned land for planning purposes, and thereafter, the appropriation of that land for housing purposes.
31. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 (“the 1972 Act”) to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where it is no longer required for the purpose for which it is held immediately before the appropriation.
32. The land must already belong to the council. Paragraph 3 of the report confirms that the land to be appropriated is in the council’s freehold ownership.
33. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph at paragraph 15 of Appendix B that the land is no longer required for housing purposes
34. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 (“TCPA 1990”) defines such purposes as, inter alia, those for which can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.
35. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes “which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.” S226 also authorises the acquisition of land “... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.” In the case of either s226 or s227 the acquiring authority must be satisfied that whatever

development proposals it has for the land in question these are likely to “contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area.” The Council’s plan to build new homes on the land, of which all are council homes for rent, is capable of falling within all three categories.

36. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 TCPA.

S203 says:

“(1) A person may carry out building or maintenance work to which this subsection applies even if it involves

(a) interfering with a relevant right or interest...

(2) Subsection (1) applies to building or maintenance work where –

(a) there is planning consent for the building or maintenance work,

(b) the work is carried out on land that has at any time on or after the day on which this section comes into force

(i) become vested in or acquired by a specified authority or

(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [*i.e. for purposes for which an authority can acquire land under ss226 and 227*]

(c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and

(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”

37. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those third party rights are converted into an entitlement to compensation to be calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.

38. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with third party rights.
39. Following the appropriation of the land for planning purposes it is recommended that the land is appropriated for housing purposes, as the land is to be used for the provision of new housing. At that point the land will no longer be required for planning purposes and will be appropriated for housing purposes.

Strategic Director of Finance and Governance (H&M 21/157)

40. The Strategic Director of Finance and Governance notes the recommendation to appropriate land as described in order to facilitate the development of new council homes and environmental improvements on the Lindley Estate. This land appropriation is proposed to occur in such a way that it will have a neutral financial impact. This scheme forms part of the Council's new homes direct delivery programme and any associated costs will be contained with the Housing Investment Programme.

Strategic Director of Housing and Modernisation

41. This report paves the way for the future development of new housing and as such is supported by the Strategic Director of Housing and Modernisation.

BACKGROUND DOCUMENTS

Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf
Planning documentation – available at link by inserting application number 21/AP/0749	https://planning.southwark.gov.uk/online-applications/search.do?action=simple&searchType=Application

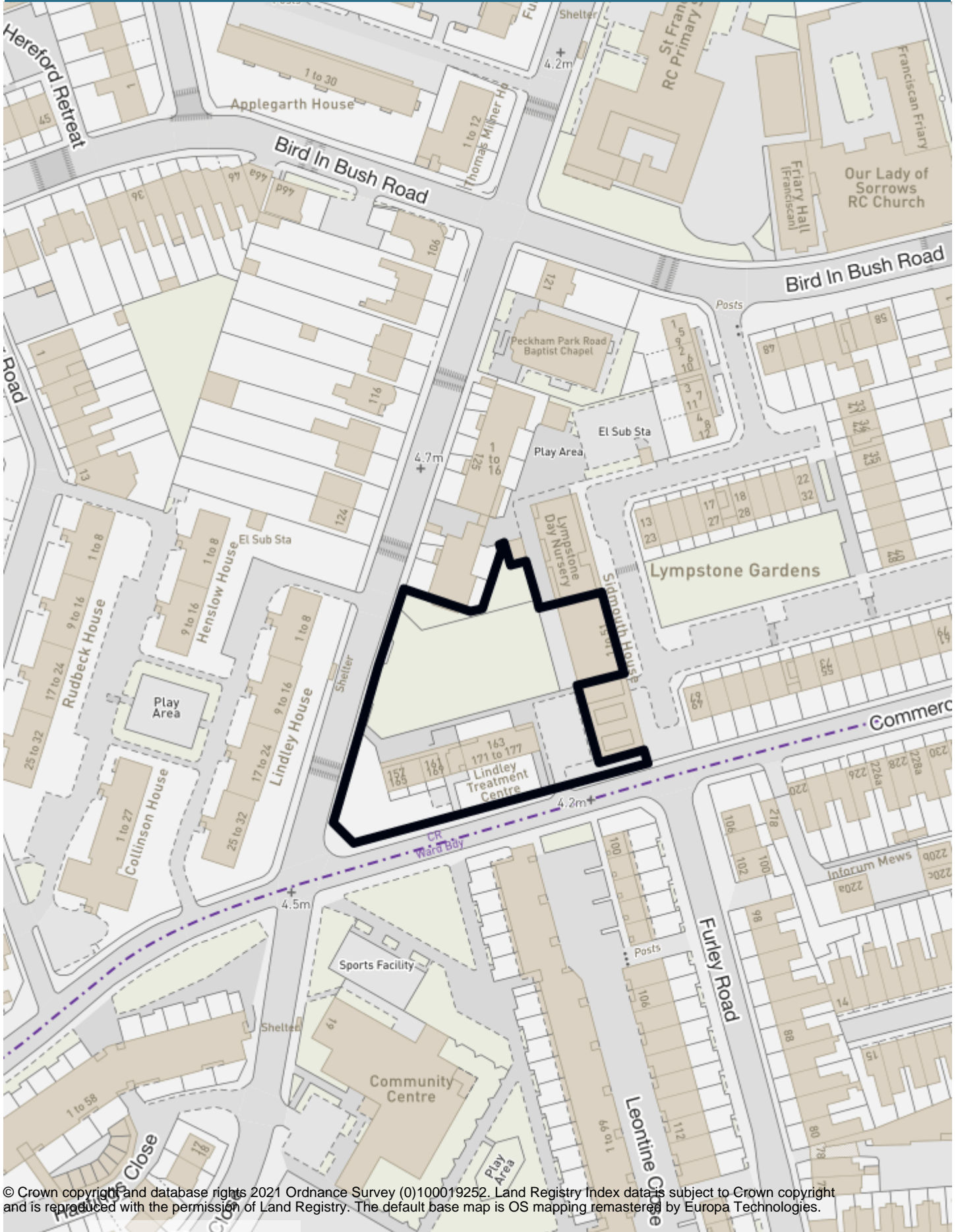
APPENDICES

Appendix	Title
Appendix A	Land at Lindley Estate
Appendix B	Appropriation rationale

AUDIT TRAIL

Cabinet Member	Councillor Stephanie Cryan, Council Homes and Homelessness	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	James Oates, Regeneration North	
Version	Final	
Dated	25 February 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	25 February 2022	

Appendix A - site at Lindley Estate



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Scale =

APPENDIX B

Appropriation of land at Lindley Estate, SE15

Appropriation of the land at Appendix A for purposes set out in section 226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985.

Background to appropriation

1. Under section 122(1) of the Local Government Act 1972, the Council may appropriate land for any purpose for which it is authorised to acquire land, when the land is no longer required for the purpose for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990, a Council may acquire land if they think the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated at Lomond Estate.
3. The power in section 226(1)(a) is subject to section (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has responsibility.
4. There are clear economic, social and environmental benefits associated with the provision of new housing at Lindley Estate, namely providing people with quality accommodation. Better housing can also result in better educational attainment, a general improvement in wellbeing, and will provide employment and training opportunities from the construction works. Accordingly, the Council may appropriate land for the purposes of the development proposals if that land is no longer required for the purposes for which it is held.
5. For the reasons set out below, the land shown on the plan at Appendix A is no longer required for its current purposes. The land can therefore be appropriated from its current use.
6. Where land has been appropriated for planning purposes Section 203 of the Housing and Planning Act 2016) applies. This means that the erection, construction or carrying out of maintenance or any building or work on the land (by the Council or a person deriving title from the Council) is authorised, if it is done in accordance with the planning permission, notwithstanding that it interfered with third party rights, such as restrictive covenants and easements.

7. The effect of triggering section 203 is that third party rights are overridden and converted into a claim for compensation pursuant to section 204.
8. The level of compensation for interference with third party rights is assessed based on the loss in value of the claimant's property because of the interference. An important consequence of the operation of section 203 is that a claimant cannot secure an injunction to prevent the development from going ahead – their remedy is a claim for compensation.
9. Prior to developing land it is usual practice to make prudent enquiries of what rights might exist over the land, this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights may not be apparent from inspection and historic one may not always be recorded at the Land Registry. The application of the power to override rights contained in section 203 therefore mitigates this risk.
10. The right to claim compensation for interference with third party rights is enforced against the owner of the land, which in this case is the Council.

Rationale for appropriating the land at Lomond Estate for planning purposes

11. As configured now, the land at Lindley Estate comprises 10 bedsits, which do not meet current standards, and a vacant commercial unit. This is considered under-utilisation of land. In pursuance of the adopted Council Plan, and to address a need for new social housing, the site has been identified as suitable for redeveloped for this purpose. Planning consent has been secure for the scheme outlined in the main report
12. As discussed in the main report, there may be an adverse impact on the rights of light to nearby properties from the scheme. Appropriation will eliminate any risk of one or more property owners or occupiers applying to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed.
13. In these circumstances, it is appropriate to utilise the powers of section 203 to overcome this risk and enable the much-needed new homes to be built.
14. As indicated above, in order to facilitate the consented redevelopment for new housing, it is now required to hold the land for planning purposes. When land has been appropriated for section 203 purposes, it will continue to benefit from its overriding provisions even when the land is no longer held for planning purposes.
15. The land shown at Appendix A is no longer required to be held for housing purposes and is now to be held for planning purposes in order to facilitate the consented housing development.

Rational for appropriating the land at Lomond Estate back to housing purposes

16. Once land is appropriated for planning purposes, it should be appropriated back to housing purposes, as this will be its ultimate use. The cleansing effect of section 203 means that it can be developed in confidence that the works will not be at risk of an application for an injunction to frustrate the development.
17. Section 9(1)(a) of the Housing Act 1985 states a local housing authority may provide housing accommodation by erecting houses on land required. It is therefore apt that following the section 203 appropriation the land is in accordance with section 122(1) of the Local Government Act 1972 appropriated for purposes within section 9(1)(a) of the Housing Act 1985.
18. The appropriation of the land whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land will not take away their ability to claim for compensation in respect of any diminution in the value of their land as a result of their rights being overridden.

Item No. 15.	Classification: Open	Date: 8 March 2022	Meeting Name: Cabinet
Report title:		Lomond Grove, Elmington Estate – appropriation for planning purposes	
Ward:		Camberwell Green	
Cabinet Member:		Councillor Stephanie Cryan, Council Homes and Homelessness	

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

At the time of writing, more than 16,500 households were recorded on Southwark’s housing register in need of rehousing, having risen sharply as a consequence of the pandemic – behind these figures are stories of families living in overcrowded homes, delaying key life decisions due to extortionate housing costs, health problems linked to housing, children’s educational attainment and younger people’s ability to invest in themselves and their futures thwarted. In this context, Southwark is resolved to maximise the overall social rented stock in our borough, including through pursuing an ambitious programme for building new council homes.

This year, we will begin construction on 22 new council homes at Lomond Grove on the Elmington Estate, as part of our long-term commitment to build 11,000 new council homes by 2043. Unlike in previous periods of council house building where large sites lent themselves to comprehensive estate development and (relatively) simpler approaches to land assembly, today, most of our development sites involve the repurposing of existing housing land with a greater risk of historic property rights emerging that may frustrate the process. We owe it to residents on our waiting list and to neighbouring residents who have contributed positively to the design and associated landscaping of these new homes to mitigate any risk to the development. Cabinet is therefore recommended to approve the appropriation of the highlighted land from housing to planning and back to housing, an administrative process that will enable construction of the approved scheme to proceed with confidence.

RECOMMENDATIONS

That Cabinet:

1. Confirms that the land shown outlined on the plan at Appendix A, that is currently held for housing purposes, is no longer required for those purposes and approves the appropriation of the land to planning purposes to facilitate the carrying out of the development proposals for the area in accordance with section 226 of the Town and Country Planning Act 1990 and section 122(1) of the Local Government Act 1972.

2. Confirms that following completion of the appropriation at paragraph 1 the land shown outlined on the plan at Appendix A will no longer be required for planning purposes, and approves the appropriation of the land to housing purposes in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

BACKGROUND INFORMATION

3. This report recommends the council appropriates for planning purposes certain freehold land in its ownership. This will engage powers under section 203 of the Housing and Planning Act 2016, overriding third party rights in the land, which are then converting to a claim for compensation.
4. This course of action is recommended on the basis it will facilitate delivery of a development scheme of significant public benefit; in the form of 22 new council homes and various environmental improvements.
5. The report further recommends the land be appropriated back to housing, on the basis that this ultimately will be its use.
6. The Council has used this mechanism to facilitate several of its housing development projects.
7. In this case, the property in question comprises amenity land associated with the Council housing on Lomond Grove, part of the Elmington Estate, shown outlined on the plan at Appendix A. It is a predominantly residential area. The Council holds the freehold interest in the land within its Housing Revenue Account.
8. On 4 November 2021, planning consent was granted for the redevelopment of the site to create 22 council homes in a part 4, part 5 storey building, demolition of existing boundary wall, new vehicle cross-over, new landscaping and play space improvements, including new access through to Caspian Street.
9. The planning report noted the development would not result in any significant impacts on the amenity of the surrounding residents by way of noise, overlooking, outlook or daylight and sunlight. Overall, planners commended the development as being of a very high quality that will provide a distinctive new piece of architecture.
10. On 28 November 2018 Council Assembly approved the current Council Plan. This sets a number of commitments to our community including A Place to Belong; one of the undertakings to meet this commitment is to Build at least 1,000 more council homes by 2022. The recommended appropriations in this report are to further this commitment.
11. In pursuit of this, a number of sites throughout the borough have been identified as providing capacity for additional new homes. Once identified,

the development of those sites is consulted upon with the local community, a planning application is made and if appropriate planning consent is granted for the proposed new homes.

12. The consented scheme referred to at paragraph 8 will provide:

9	x	One bedroom two person flats
1	x	Two bedroom three person flats
5	x	Two bedroom four person flats
7	x	Three bedroom five person flats

13. All 22 new homes will provide housing to be let at Council rent levels. This exceeds policy targets, that residential development on publicly owned, or land formally in public ownership, should deliver at least 50% affordable housing. The development will also deliver seven larger family sized three or more bed homes: 31.8% delivered against a target of 20%.

14. It is intended that site clearance work will begin in February, with the main construction work to commence in late spring 2022.

KEY ISSUES FOR CONSIDERATION

15. If the recommendations in this report are accepted, the key impact will be that the owners of third party rights that are interfered with by the development, will no longer be able to apply to court for an injunction to stop the development. They will instead have the right to claim compensation.

16. Appendix B sets out further details of the rationale behind the recommendations in this report. Cabinet should be satisfied that:

- a. The Council owns the site – which it does as part of freehold title SGL236956.
- b. The development of the site has planning consent – which it does under application number 21/AP/1981.
- c. That the development behind the intention to appropriate for planning purposes is likely to improve the economic, social or environmental well-being of the area – and there is clear evidence that the consented scheme will do this.
- d. That the appropriation back to housing is correct – which it is, on the grounds the land will be used to provide accommodation by erecting housing on the site.

17. Cabinet will want also to consider that the course of action recommended is necessary and proportionate.

18. As part of the planning process, a daylight sunlight and overshadowing report, was produced by a specialist surveyor. This identified potential interference from the scheme to the lighting of some rooms in neighbouring properties. However, the overall conclusion from the

planning report was that the development is not considered to result in an unacceptable significant impact on the amenity of the surrounding residents in terms of daylight or sunlight with all properties retaining good access to daylight.

19. The daylighting sunlight report, whilst generally positive, does recognise there will be some impact to neighbouring properties. These adverse impacts were not of a degree to cause refusal, but their existence poses a risk in being able to build the scheme because affected persons may apply to the court for an injunction to stop it proceeding.
20. Even if such an application ultimately fails, it still has the potential to delay delivery of much needed new homes. It is not unreasonable therefore to look at mitigation of this risk.

Appropriations

21. The appropriation of land refers to the process whereby a council alters the purpose for which it holds land. Where land has been appropriated for planning purposes third party rights can be overridden. The beneficiaries of such rights can still claim compensation but cannot seek an injunction to delay or terminate the development.
22. This gives the Council the certainty that having commenced construction works a person with the benefit of an unregistered right over land (there is no comprehensive register of third party rights) cannot apply to the court to have the development stopped. This is a very important tool in enabling development to proceed on urban sites.
23. Another approach for the Council would be to either, not appropriate the site and accept the risk of delay from injunction. Or, not appropriate and take out insurance against the cost of claims. Neither approach addresses the central issue of the risk of delay whilst an application to injunct is considered by a court – nor the risk an injunction might be successful and the development stopped.
24. Appropriation is considered to give a greater degree of certainty and is considered proportionate. The chief impact of this approach is that the owners of third party rights lose their ability to stop the development by injunction, but they retain the right to compensation.
25. The compensation a person affected by interference of a right may be entitled to, is based on the value of their properties before the right has been interfered with versus the value of the property with the interfered right; the diminution in value of the affected property. If agreement between the parties is not possible it will be determined by the Upper Tribunal (Lands Chamber). The onus is upon the claimant to prove a loss in value, and compensation only becomes payable once there is an actual interference with a right.

26. In this case it is recommended that the land outlined on the plan at Appendix A be appropriated from housing purposes to planning purposes. This will mitigate the risk of legal action to frustrate the scheme being delayed or completed. Thereafter it is recommended the land is appropriated to housing purposes as this is the most appropriate basis on which to hold the site.

Rationale for recommendations

19. a. To mitigate against the construction of new Council housing being frustrated or delayed by legal injunction.
- b. To deliver a current Council Plan commitment.

Community impact statement

20. The Council Plan was the subject of extensive community consultation. The recommendations herein further the delivery of the *A Place to Belong* commitment set out in the Plan.
21. The Equality Act 2010 requires the Council in the exercise of its functions to have due regard to the need to:
- a) eliminate discrimination;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
22. Relevant protected characteristics for the purposes of the Equality Act are:
- Age
 - Civil partnership
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex and sexual orientation.

23. In considering the recommendations herein the cabinet must have due regard to the possible effects on any groups sharing a protected characteristic in order to discharge its public sector equality duty. This is an ongoing obligation.
24. If the recommendations set out are approved, the Council will be able to proceed with the construction of 22 new homes. Based on the information available it is not considered there are any particular groups sharing a protected characteristic that will be adversely impacted by the proposals. The new housing should be beneficial across the range of protected characteristics.

Health impact statement

25. It is widely recognised poor quality housing has an adverse impact on the health of residents. Such effects may manifest in mental and/or physical health terms.
26. Whilst it is not yet known who will be accommodated in the new homes, they will ultimately allow 22 applicants on the housing waiting list to become secure council tenants and to move into good accommodation that should be beneficial to their health, with a corresponding reduction in health service demands.

Climate change implications

27. In designing the scheme, careful consideration has been given to minimising the climate impacts of the development. These matters are an important part of the planning application process and were reviewed prior to consent being granted.
28. The new development will achieve an overall carbon saving of 57% above building regulations, a significant margin above the target of 35% for on-site savings. However, as the development cannot be delivered as fully carbon neutral, a carbon off-set payment has been secured through the s106 agreement.
29. The orientation and massing of the building has been optimised and the design includes measures that will enable a saving on energy use of 13% over building regulations (against a London Plan target of 10%). The development will also incorporate air source heat pumps.
30. For planning purposes, the principle of development was accepted subject to the mitigation of the loss of trees and biodiversity, which is to be achieved through significant levels of replanting within the estate and providing new habitats. Overall there will be a net increase in canopy cover from the development and it will also achieve biodiversity net gain.

Financial Implications

31. The construction of the new homes and their associated works will have a significant cost and an approved budget exists for this. The budget will need to make provision for any compensation claims for diminution in value that may arise as a consequence of the interference with any rights.
32. Where land is appropriated from the housing revenue account to the general fund there is a transfer of debt between the accounts. When land is appropriated from general fund to the housing revenue account this debt transfer is reversed. As both appropriations will take place on the same day there will be no net transfer of debt and there are, therefore, no financial implications arising directly from the recommendations made in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

30. The report recommends the appropriation of council owned land for planning purposes, and thereafter, the appropriation of that land for housing purposes.
31. A council holds land and property for a variety of statutory purposes in order to perform its functions. A council is authorised by virtue of section 122 of the Local Government Act 1972 (“the 1972 Act”) to appropriate land within its ownership for any purpose for which it is authorised to acquire land by agreement, where it is no longer required for the purpose for which it is held immediately before the appropriation.
32. The land must already belong to the council. Paragraph 3 of the report confirms that the land to be appropriated is in the council’s freehold ownership.
33. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph at paragraph xx of Appendix B that the land is no longer required for housing purposes
34. The purpose for which the council is appropriating the land must be authorised by statute. It is proposed that the land is held for planning purposes. This is a purpose which is authorised by statute. Section 246 of the Town and Country Planning Act 1990 (“TCPA 1990”) defines such purposes as, inter alia, those for which can be acquired under ss226 or 227 of that Act. Section 227 provides that a council may acquire land by agreement for any purposes for which it is authorised to acquire land compulsorily by s226 TCPA 1990.
35. The purposes for which a council can acquire land pursuant to s226 TCPA 1990 include purposes “which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.” S226 also

authorises the acquisition of land "... if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land." In the case of either s226 or s227 the acquiring authority must be satisfied that whatever development proposals it has for the land in question these are likely to "contribute to the achievement of any one or more of the following objects – (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area." The Council's plan to build new homes on the land, of which all are council homes for rent, is capable of falling within all three categories.

36. Section 203 of the Housing and Planning Act 2016 came into force on 13 July 2016. This section contains a power to override easements and other rights, and it replaces s237 TCPA.

S203 says:

"(1) A person may carry out building or maintenance work to which this subsection applies even if it involves

(a) interfering with a relevant right or interest...

(2) Subsection (1) applies to building or maintenance work where –

(a) there is planning consent for the building or maintenance work,

(b) the work is carried out on land that has at any time on or after the day on which this section comes into force

(i) become vested in or acquired by a specified authority or

(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990 [*i.e. for purposes for which an authority can acquire land under ss226 and 227*]

(c) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and

(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b)."

37. What this means is that where land has been appropriated for planning purposes building work may be carried out on land even if this interferes with rights or interests if there is planning consent for the building work; and the work must be for purposes related to the purposes for which the land was appropriated, in this case planning purposes. By s204 those

third party rights are converted into an entitlement to compensation to be calculated in accordance with ss7 and 10 of the Compulsory Purchase Act 1965.

38. This report confirms that the work being done on the land will be done in accordance with planning permission. Once the land has been appropriated and s203 triggered, that work will be authorised even where it interferes with third party rights.
39. Following the appropriation of the land for planning purposes it is recommended that the land is appropriated for housing purposes, as the land is to be used for the provision of new housing. At that point the land will no longer be required for planning purposes and will be appropriated for housing purposes.

Strategic Director of Finance and Governance (H&M 21/158)

40. The Strategic Director of Finance and Governance notes the recommendation to appropriate land as described in order to facilitate the development of new council homes and environmental improvements at Lomond Grove on the Elmington Estate. This land appropriation is proposed to occur in such a way that it will have a neutral financial impact. This scheme forms part of the Council's new homes direct delivery programme and any associated costs will be contained with the Housing Investment Programme.

Strategic Director of Housing and Modernisation

41. This report paves the way for the future development of new housing and as such is supported by the strategic director of housing and modernisation.

BACKGROUND DOCUMENTS

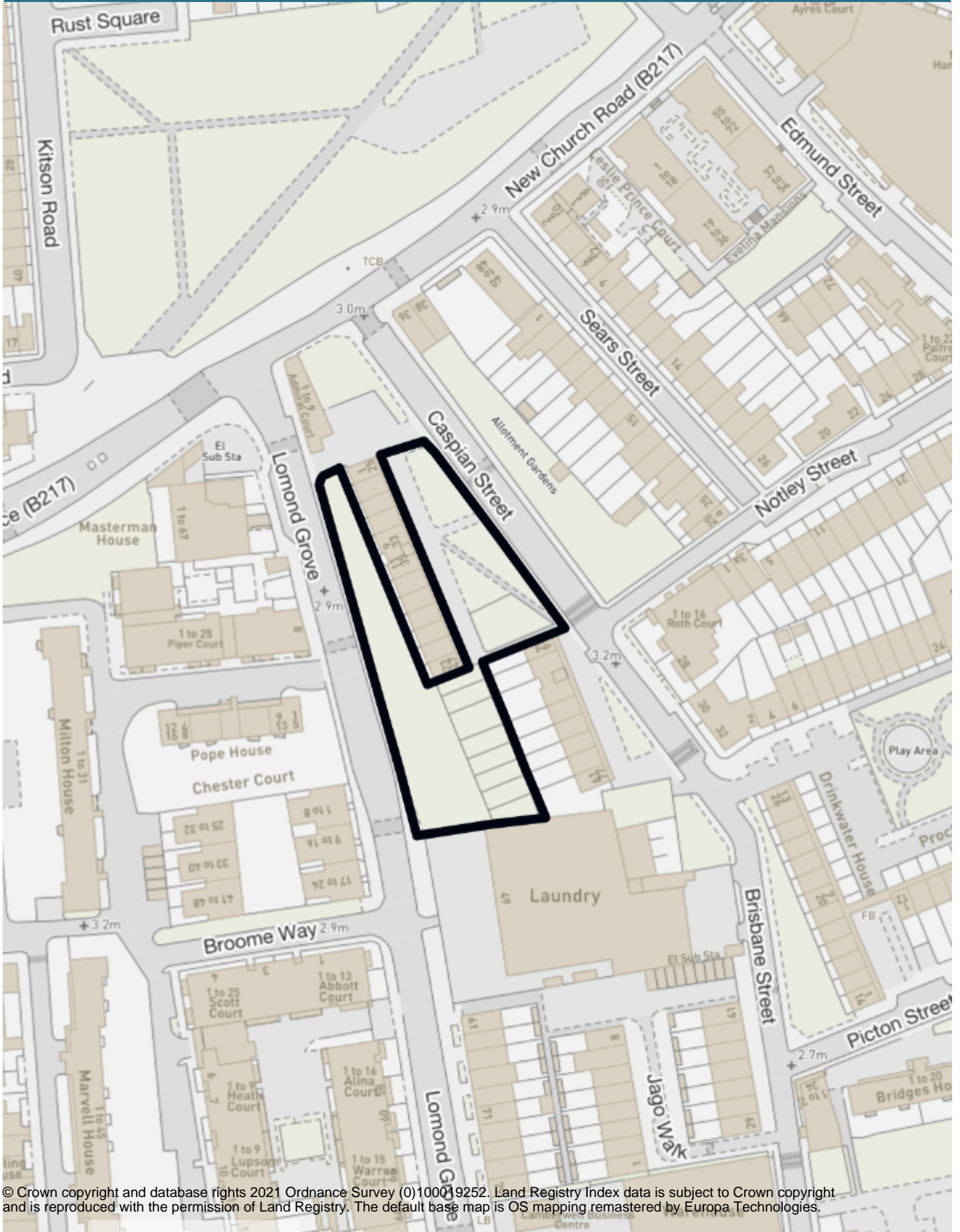
Background Papers	Weblink
Council Plan 2018/9 – 2021/22	http://moderngov.southwark.gov.uk/documents/s78763/Report%20Council%20Plan.pdf
Planning documentation	https://moderngov.southwark.gov.uk/documents/s101590/Report.pdf

APPENDICES

Appendix	Title
Appendix A	Land at Lomond Estate
Appendix B	Appropriation rationale

AUDIT TRAIL

Cabinet Member	Councillor Stephanie Cryan, Council Homes and Homelessness	
Lead Officer	Eleanor Kelly, Chief Executive	
Report Author	James Oates, Regeneration North	
Version	Final	
Dated	25 February 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	25 February 2022	



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APPENDIX B**Appropriation of land at Lomond Estate, SE5**

Appropriation of the land at Appendix A for purposes set out in section 226 of the Town and Country Planning Act 1990 and to purposes set out in section 9 of the Housing Act 1985.

Background to appropriation

1. Under section 122(1) of the Local Government Act 1972, the Council may appropriate land for any purpose for which it is authorised to acquire land, when the land is no longer required for the purpose for which it is held.
2. Under section 226(1)(a) and 227 of the Town and Country Planning Act 1990, a Council may acquire land if they think the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. This includes development of the sort contemplated at Lomond Estate.
3. The power in section 226(1)(a) is subject to section (1A) of section 226. This provides that the acquiring authority must not exercise the power unless it considers the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has responsibility.
4. There are clear economic, social and environmental benefits associated with the provision of new housing at Lomond Estate, namely providing people with quality accommodation. Better housing can also result in better educational attainment, a general improvement in wellbeing, and will provide employment and training opportunities from the construction works. Accordingly, the Council may appropriate land for the purposes of the development proposals if that land is no longer required for the purposes for which it is held.
5. For the reasons set out below, the land shown on the plan at Appendix A is no longer required for its current purposes. The land can therefore be appropriated from its current use.
6. Where land has been appropriated for planning purposes Section 203 of the Housing and Planning Act 2016) applies. This means that the erection, construction or carrying out of maintenance or any building or work on the land (by the Council or a person deriving title from the Council) is authorised, if it is done in accordance with the planning permission, notwithstanding that it interfered with third party rights, such as restrictive covenants and easements.

7. The effect of triggering section 203 is that third party rights are overridden and converted into a claim for compensation pursuant to section 204.
8. The level of compensation for interference with third party rights is assessed based on the loss in value of the claimant's property because of the interference. An important consequence of the operation of section 203 is that a claimant cannot secure an injunction to prevent the development from going ahead – their remedy is a claim for compensation.
9. Prior to developing land it is usual practice to make prudent enquiries of what rights might exist over the land, this will involve inspecting the land to see if there are any obvious rights and checking land ownership information. However, some rights may not be apparent from inspection and historic one may not always be recorded at the Land Registry. The application of the power to override rights contained in section 203 therefore mitigates this risk.
10. The right to claim compensation for interference with third party rights is enforced against the owner of the land, which in this case is the Council.

Rationale for appropriating the land at Lomond Estate for planning purposes

11. The land at Lomond Estate is underutilised in land use terms and the need for new housing at council rent levels greatly exceeds the existing use need. In pursuance of the adopted Council Plan, and to address a need for new social housing, the site has been identified as suitable for redeveloped for this purpose. Planning consent has been secure for the scheme outlined in the main report
12. As discussed in the main report, there may be an adverse impact on the rights of light to nearby properties from the scheme. Appropriation will eliminate any risk of one or more property owners or occupiers applying to the court for an injunction. If an injunction is granted, the scheme will not be able to proceed.
13. In these circumstances, it is appropriate to utilise the powers of section 203 to overcome this risk and enable the much-needed new homes to be built.
14. As indicated above, in order to facilitate the consented redevelopment for new housing, it is now required to hold the land for planning purposes. When land has been appropriated for section 203 purposes, it will continue to benefit from its overriding provisions even when the land is no longer held for planning purposes.
15. The land shown at Appendix A is no longer required to be held for housing purposes and is now to be held for planning purposes in order to facilitate the consented housing development.

Rational for appropriating the land at Lomond Estate back to housing purposes

16. Once land is appropriated for planning purposes, it should be appropriated back to housing purposes, as this will be its ultimate use. The cleansing effect of section 203 means that it can be developed in confidence that the works will not be at risk of an application for an injunction to frustrate the development.
17. Section 9(1)(a) of the Housing Act 1985 states a local housing authority may provide housing accommodation by erecting houses on land required. It is therefore apt that following the section 203 appropriation the land is in accordance with section 122(1) of the Local Government Act 1972 appropriated for purposes within section 9(1)(a) of the Housing Act 1985.
18. The appropriation of the land whilst denying the beneficiaries of any third party rights over the land the ability to frustrate the regeneration of the land will not take away their ability to claim for compensation in respect of any diminution in the value of their land as a result of their rights being overridden.

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