

## Cabinet

Tuesday 6 February 2024

11.00 am

Rooms GO2A, B and C, 160 Tooley Street, London SE1 2QH

### Membership

Councillor Kieron Williams (Chair)  
Councillor Jasmine Ali

Councillor Evelyn Akoto  
Councillor Stephanie Cryan  
Councillor Helen Dennis  
Councillor Natasha Ennin  
Councillor Darren Merrill  
Councillor James McAsh  
Councillor Catherine Rose  
Councillor Martin Seaton

### Portfolio

Leader of the Council  
Deputy Leader and Cabinet Member for  
Children, Education and Refugees  
Health and Wellbeing  
Communities, Democracy and Finance  
New Homes and Sustainable Development  
Community Safety  
Council Homes  
Climate Emergency, Clean Air and Streets  
Neighbourhoods, Leisure and Parks  
Jobs, Skills and Business

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

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

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#### Contact

Email: [paula.thornton@southwark.gov.uk](mailto:paula.thornton@southwark.gov.uk); [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 29 January 2024



# Cabinet

Tuesday 6 February 2024  
11.00 am

Rooms GO2A, B and C, 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
	<b>MOBILE PHONES</b>	
	Mobile phones should be turned off or put on silent during the course of the meeting.	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.	
3.	<b>NOTICE OF INTENTION TO CONDUCT BUSINESS IN A CLOSED MEETING, AND ANY REPRESENTATIONS RECEIVED</b>	1 - 4
	To note the items specified which will be considered in a closed meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	

Item No.	Title	Page No.
5.	<b>PUBLIC QUESTION TIME (15 MINUTES)</b>	
	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 public questions is midnight Wednesday 31 January 2024.	
6.	<b>DEPUTATION REQUESTS</b>	
	To consider any deputation requests. The deadline for the receipt of deputation requests is midnight Wednesday 31 January 2024.	
7.	<b>MINUTES</b>	5 - 27
	To approve as a correct record the minutes of the open section of the meeting held on 17 January 2024.	
8.	<b>POLICY AND RESOURCES STRATEGY REPORT: 2024-25 BUDGET AND MEDIUM TERM FINANCIAL STRATEGY (MTFS) UPDATE INCLUDING CAPITAL PROGRAMME REFRESH</b>	To follow
	To agree the 2024-25 general fund budget to be recommended to council assembly. To note the medium term financial strategy (MTFS) update, council tax setting and capital programme.	
9.	<b>CLIMATE RESILIENCE AND ADAPTATION STRATEGY</b>	28 - 40
	To agree the inclusion of a new adaptation and resilience section to the climate change strategy and action plan following public consultation on the draft strategy.	
10.	<b>SOUTHWARK COORDINATED ADMISSION SCHEMES FOR PRIMARY, JUNIOR, SECONDARY AND YEAR 10 2025</b>	To follow
	To agree the Southwark coordinated admission schemes for primary, junior and secondary admissions for September 2025.	
11.	<b>ADMISSION ARRANGEMENTS FOR COMMUNITY PRIMARY, JUNIOR AND SECONDARY SCHOOLS - SEPTEMBER 2025</b>	To follow
	To agree the admission arrangements for community primary schools for September 2025.	

Item No.	Title	Page No.
12.	<b>GATEWAY 1 - PROCUREMENT STRATEGY FOR NURSING CARE PROVISION</b>	41 - 59
	To approve the procurement strategy for nursing care provision in Tower Bridge Care Centre.	
13.	<b>FREEHOLD ACQUISITION OF AN OPERATIONAL PROPERTY ASSET FOR KEY SERVICE PROVISION AND SUBSEQUENT LEASING ARRANGEMENTS</b>	To follow
	To consider freehold acquisition of an operational property asset and subsequent leasing arrangements.	
14.	<b>LEDBURY ESTATE PHASE A - APPROPRIATION FOR PLANNING PURPOSES</b>	60 - 73
	To approve the appropriation of land to facilitate the carrying out of 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**

- 15. POLICY AND RESOURCES STRATEGY REPORT: 2024-25  
BUDGET AND MEDIUM TERM FINANCIAL STRATEGY (MTFS)  
UPDATE INCLUDING CAPITAL PROGRAMME REFRESH  
(CLOSED APPENDIX)**
  
- 16. GATEWAY 1 - PROCUREMENT STRATEGY FOR NURSING  
CARE PROVISION**
  
- 17. FREEHOLD ACQUISITION OF AN OPERATIONAL PROPERTY  
ASSET FOR KEY SERVICE PROVISION AND SUBSEQUENT  
LEASING ARRANGEMENTS**
  
- 18. LEDBURY ESTATE PHASE A - APPROPRIATION FOR  
PLANNING PURPOSES**

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

Date: 29 January 2024



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

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

Note: This notice applies to meetings of the cabinet, cabinet committee or multi-ward area forums considering an executive function.

**DECISION MAKER**

**Name of decision maker:** Cabinet

**Date of meeting:** 6 February 2024

**LEAD OFFICER DETAILS**

**Name and contact details:** Geraldine Chadwick, Finance  
Email: [Geraldine.chadwick@southwark.gov.uk](mailto:Geraldine.chadwick@southwark.gov.uk)

**DETAILS OF THE REPORT**

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

**Policy and Resources Strategy Report: 2024-25 Budget and Medium Term Financial Strategy (MTFS) update including capital programme refresh (confidential appendix)**

Includes disposal of vacant council property to generate funding for the housing revenue account.

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

The value of the disposals is estimated at £25m.

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

Only just clarified process and timetable for securing approval to these disposals.

**Paula Thornton**  
**For Proper Constitutional Officer**  
**Dated:** 29 January 2024

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**DECISION MAKER**

**Name of decision maker:** Cabinet

**Date of meeting:** 6 February 2024

**LEAD OFFICER DETAILS**

**Name and contact details:** Genette Laws, Director of Commissioning  
Email: [genette.laws@southwark.gov.uk](mailto:genette.laws@southwark.gov.uk)

**DETAILS OF THE REPORT**

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

**Gateway 1 – Procurement Strategy for Nursing Care**

To approve the procurement strategy for nursing care provision in Tower Bridge Care Centre.

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

The vendor requires prompt progress to exchange and complete the acquisition.

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

The February 2024 forward plan was published on 2 January 2024. As this procurement relates to the terms and conditions of the purchase of a nursing home, it was necessary to ensure that sufficient time was given to enable staff and resident to be briefed on the proposed deal and help avoid undue concern.

**Paula Thornton**  
**For Proper Constitutional Officer**  
**Dated:** 29 January 2024

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**DECISION MAKER**

**Name of decision maker:** Cabinet

**Date of meeting:** 6 February 2024

**LEAD OFFICER DETAILS**

**Name and contact details:** Mark Grant, Head of Property  
Email: [mark.grant@southwark.gov.uk](mailto:mark.grant@southwark.gov.uk)

**DETAILS OF THE REPORT**

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

**Freehold acquisition of an operational property asset for key service provision and subsequent leasing arrangements**

Freehold acquisition of an operational property asset and subsequent leasing arrangements.

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

The vendor requires prompt progress to exchange and complete the acquisition.

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

The terms of the acquisition have only recently been agreed and a General Exception noticed issued 2 January 2024 for this item.

**Paula Thornton**  
**For Proper Constitutional Officer**  
**Dated:** 29 January 2024



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**DECISION MAKER**

**Name of decision maker:** Cabinet

**Date of meeting:** 6 February 2024

**LEAD OFFICER DETAILS**

**Name and contact details:** Marcus Mayne, Principal Surveyor  
Email: [marcus.mayne@southwark.gov.uk](mailto:marcus.mayne@southwark.gov.uk)

**DETAILS OF THE REPORT**

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

**Ledbury Estate Phase A – Appropriation for Planning Purposes**

To appropriate the land and buildings making up Phase A of the Ledbury Estate regeneration.

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

Construction commenced in January and appropriation needs to take place as soon as possible to reduce any risks of delays by way of injunction.

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

The item was not included on the published forward plan in January 2024 due to an administrative oversight. A general exception was issued on 3 January 2024.

**Paula Thornton**  
**For Proper Constitutional Officer**  
**Dated:** 29 January 2024



## Cabinet

MINUTES of the OPEN section of the Cabinet held on Wednesday 17 January 2024 at 1.00 pm at the Council Offices, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Kieron Williams (Chair)  
Councillor Evelyn Akoto  
Councillor Stephanie Cryan  
Councillor Natasha Ennin  
Councillor Darren Merrill  
Councillor James McAsh  
Councillor Catherine Rose  
Councillor Martin Seaton

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

There were none.

**2. APOLOGIES**

Apologies for absence were received from Councillors Jasmine Ali and Helen Dennis.

**3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS  
URGENT**

The chair gave notice of the following late and urgent item:

- Item 15: Creation of a New Senior Management Post: Director, Communications, Engagement and Change.

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

#### 4. **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

The following members declared a disclosable pecuniary interest in respect of Item 11: Housing Revenue Account – Final Rent and charges report 2024-25 as follows:

- Councillor Evelyn Akoto: leaseholder
- Councillor Natasha Ennin: council tenant
- Councillor Darren Merrill: has a business that rents a garage
- Councillor Martin Seaton: leaseholder.

#### 5. **MINUTES**

##### **RESOLVED:**

That the minutes of the meeting held on 5 December 2023 be approved as a correct record and signed by the chair.

#### 6. **PUBLIC QUESTION TIME (15 MINUTES)**

##### 1. **Jeremy Harrington**

Council assembly motions on agenda refers to “Southwark stands with the trans community policy. Can this policy be reviewed before it is ratified? In para 3c vi, I suggest ... work with local businesses across Southwark to try and improve the provision of gender neutral toilets while maintaining female-only toilets across the borough.

##### **Response by Councillor Stephanie Cryan, Cabinet Member for Communities, Democracy and Finance**

It is the council’s position that whilst we want to see improved provision of gender-neutral toilets, both in council buildings and across the borough, that this should be in addition to existing single-sex facilities.

Motions from council assembly set out recommendations for cabinet, which we take into account. In this case our position as a cabinet is that this motion will be implemented on the understanding set out above.

##### 2. **Tristan Honeyborne**

Please can Cllr McAsh confirm whether controlled parking zones (CPZs) in Southwark will be used to reduce car ownership?

**Response by Councillor James McAsh, Cabinet Member for Climate Emergency, Clean Air and Streets**

The purpose of exploring the introduction of controlled parking zones is to secure the expeditious, convenient, safe and free movement of traffic and the provision of suitable and adequate parking facilities. Reduction of car ownership is an ambition of the council, as set out in our Streets for People strategy, but this is not the purpose of controlled parking.

**3. Clive Rates**

Could Councillor McAsh please confirm that if the public consultation fails to show strong resident support for Southwark's proposal to install a CPZ in Dulwich Village he will drop the proposal entirely? Will the same apply for the CPZ consultations in Nunhead and Queens Road ?

**Response by Councillor James McAsh, Cabinet Member for Climate Emergency, Clean Air and Streets**

The consultation remains active at this point and therefore we cannot pre-empt the potential outcome at this stage. We will consider the consultation responses and all other relevant evidence. Any proposals will go through the council's normal governance and decision-making process.

As questioners 2 and 3 were not in attendance, the leader confirmed their questions and responses would be included in the published minutes of the meeting.

**7. DEPUTATION REQUESTS**

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

**RESOLVED:**

1. That the following deputation requests be heard:
  - North East Local Housing Forum on Housing Revenue Account - Final Rent and Charges Report 2024-25
  - Local residents on controlled parking zone plans for Dulwich.
2. A spokesperson for each deputation addressed cabinet for five minutes and questions were asked of the deputations for a period of five minutes.

## **8. CORPORATE PARENTING ANNUAL REPORT 2022-23**

Rukiya Davenport, Chair of Speakerbox, Southwark Children in Care Council was in attendance to provide her comments on the report and answer questions.

### **RESOLVED:**

1. That progress of the corporate parenting strategy, areas of focus for 2024-25 and work of the corporate parenting committee be noted.
2. That it be noted a child friendly easy read version of the report will be shared widely with children in care and care leavers and made publicly available and easily accessible on the council's website.

## **9. LOCAL GOVERNMENT ASSOCIATION CORPORATE PEER CHALLENGE - REPORT AND ACTION PLAN**

### **RESOLVED:**

1. That the Local Government Association's Corporate Peer Challenge (CPC) report attached at Appendix 1 of the report be noted.
2. That the action plan set out in Appendix 2 of the report, which responds to the eleven recommendations from the Corporate Peer Challenge report be endorsed.

## **10. PLACEMENT POLICY FOR TEMPORARY ACCOMMODATION AND PRIVATE RENTED SECTOR OFFERS**

### **RESOLVED:**

1. That the placement policy for temporary accommodation (TA) and private rented sector offers (PRSO) (Appendix 1 of the report) be approved.
2. That an annual review of the placement policy which takes account of service user feedback be agreed.

## **11. HOUSING REVENUE ACCOUNT - FINAL RENT AND CHARGES REPORT 2024-25**

Having declared a disclosable pecuniary interest, Councillors Evelyn Akoto, Natasha Ennin, Darren Merrill and Martin Seaton withdrew from the meeting while this item was being discussed.

Appendix 2 setting out feedback from local housing forum meetings was published

and circulated in advance of the meeting.

**RESOLVED:**

1. That a rent increase of 7.7% for all directly and tenant managed (TMO) housing stock within the council's housing revenue account be agreed. This is in accordance with the government's guideline rent formula of CPI+1% (based on the September Consumer Price Index) as set out at paragraphs 12-14 of the report, with effect from 1 April 2024.
2. That a rent increase of 7.7% for the council's shared ownership stock as set out at paragraphs 15-16 of the report be agreed with effect from 1 April 2024.
3. That the increases to tenant service charges, comprising estate cleaning, grounds maintenance, communal lighting and door entry maintenance as set out in paragraphs 17-18 of the report be agreed with effect from 1 April 2024.
4. That the increase in sheltered housing service charges as set out in paragraph 19 of the report be agreed with effect from 1 April 2024.
5. That the increase in charges for garages and other non-residential facilities as set out in paragraphs 20-21 of the report be agreed with effect from 1 April 2024.
6. That it be noted that a review of garage charging policy including the concessionary scheme will be undertaken and proposals brought forward following consultation with residents to cabinet in the New Year as set out in paragraph 22 of the report.
7. That the increase in tenant heating charges, including metered charges as set out in paragraphs 23-42 of the report be agreed with effect from 1 April 2024.

**12. POLICY AND RESOURCES STRATEGY: CAPITAL MONITORING REPORT 2023-24**

**RESOLVED:**

1. That the virements and variations to the general fund and housing investment capital programme as detailed in Appendix D of the report and the new capital bids in Appendix E of the report be approved.
2. That the significant funding requirement of £263m 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.

3. That the £1.7bn housing investment programme to be fully delivered over the remaining term of the programme, as detailed in Appendix C of the report be noted.
4. That the mitigating actions to ensure the affordability of the housing investment programme and the sustainability of the housing revenue account be noted.

**13. POLICY AND RESOURCES STRATEGY: REVENUE MONITORING REPORT, 2023-24**

**RESOLVED:**

That the following be noted:

1. The adverse variance of £3.4m forecast for the General Fund in 2023-24.
2. The continuing budget pressures in:
  - Temporary accommodation
  - No recourse to public funds (NRPF)
  - Home to school transport.
3. The progress on plans to contain general fund projected overspends since month 4 reporting (Appendix B of the report).
4. The dedicated schools grant (DSG) in-year pressure of £0.4m, an improvement from £0.6m reported at month 4 and consistent with the Safety Valve Agreement.
5. The housing revenue account forecast of £16.8m, an adverse movement of £2.9m since month 4, and the mitigations in place to contain this.
6. The ongoing inclement macro-economic environment, with inflation running at 3.9% in November (6.7% in September), and interest rates remain at 5.25%.

That the following be approved:

7. The interdepartmental budget movements that exceed £250k, as shown in Appendix A of the report (noting those under this threshold).
8. The approach proposed in principle in paragraph 19 of the report to reduce the HRA revenue contribution to capital in order to preserve reserves and to fund any resulting shortfall in the capital asset management programme through borrowing, noting the impact this will have on borrowing headroom and financing budgets.

## 14. MOTIONS REFERRED FROM COUNCIL ASSEMBLY

### RESOLVED:

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

### **Giving our children and young people the best start in life**

1. The opening statement of the council's delivery plan is "We will support children and young people to thrive".
2. We are delivering excellent schools:
  - a. Under this Southwark Labour administration, our council is delivering the best possible start in life for our children. The recent Ofsted report for our children's services was rated Good and reported that "Children are at the heart of practice in Southwark". With 97% of our schools rated good or outstanding, education in Southwark has never been stronger.
  - b. Today education outcomes for our children and young people are consistently above the national average with many of our schools among the best 10% state-funded schools in the country.
  - c. Children in our care are also achieving phenomenal results. This year the children in our care achieved straight A's, B's, ABC's, Distinctions and Merits, with one student achieving AAA\* to meet (and then accept) their offer from St Hugh's College, Oxford University. Ten students successfully progressed on to their choice of further education. As corporate parents, we couldn't be more proud of what children in our care have achieved.
3. We are delivering Free Healthy School Meals:
  - a. This year marks 10 years since Southwark Council began providing universal free school meals for all primary school children, improving health outcomes for children and reducing the prevalence of obesity.
  - b. Now we are providing Free Healthy Schools for our nursery settings and this autumn we are piloting Free Healthy School meals for secondary school children in need.
  - c. This extra support is a lifeline for families through austerity and now the cost of living crisis. Along with our Holiday Fun programme makes sure that children in need have activities through the school holidays.
  - d. During the pandemic Southwark Council worked with the Teaching Schools Alliance and local residents to raise £500k for laptops and



tablets for any child who needs one.

4. We are committed to delivering support for 100% of children and young people with a mental health need, special education needs and or disabilities:
  - a. In 2020 Southwark council opened The Nest, our free mental health drop-in for children and young people. We invested £2 million into schools as part of our commitment to support 100% of children and young people with a diagnosable mental health need.
  - b. Southwark is home to 9,000 Children with Special Education Needs, 3,000 of those children are on Education Health and Care plans. We have special needs schools, and have launched a SEND strategy for faster assessments and more opportunities for children and young people with special needs and or disabilities.
  
5. We are delivering justice for our young people:
  - a. Our Youth Justice Team shows a consistently lower reoffending rate than the national average, and lower than London as a whole.
  - b. Our service rated Good and the lead inspector said “There’s a genuine community spirit about Southwark Youth Justice Service. From the staff to local volunteers to the children themselves, there is support for the service’s work and an ambition to succeed.”
  
6. We are delivering healthy lives:
  - a. The council is committed to enabling children in Southwark to lead happy, healthy and full lives.
  - b. We further note the refurbishment of play areas across the borough so that every child has access to a top quality place to play in their neighbourhood.
  
7. We are delivering a Youth New Deal:
  - a. Our New Deal for Young People has invested over £1.6 million in positive activities for young people
  - b. We have created 623 apprenticeships since May 2022, for people of all ages, and in particular our young people
  - c. We are building on the learning from the pilot of the sure start for adolescents – we are working with young people, parents and youth providers to deliver the vision for early intervention across the borough. This will align with our family hub development

- d. We have launched an Information Hub with up-to-the-minute real time information on employment, education and training opportunities
  - e. We are guaranteeing mental health support for young people in our borough with projects like, Southwark Space. Southwark Space has been able to do to this in an innovative way by creating a platform where young people can express themselves and tell their stories and link them to charities like the Sickle Cell Society who offer mentoring to young people with this disease.
8. This council nevertheless believes:
- a. That after thirteen years of cuts and austerity from Conservative and Liberal Democrat governments, not all families are thriving.
    - i. Early years services are underfunded and our nurseries in the absence of adequate funding are being decimated. A recent Early Education and teaching unions found that more than half of all maintained nursery schools in England had an in-year deficit in 2021-22, and 28 per cent of them had a cumulative deficit, with only 41 per cent had been able to set a balanced budget for 2022-23.
    - ii. In September 2023, a report commissioned by Action for Children, Barnardo's, The Children's Society, National Children's Bureau and NSPCC, found that spending on early intervention for children has reduced from just over £3.7 billion in 2010-11, to just over £2 billion in 2021-22 - a fall of almost half (46%), while spending on late intervention services grew from around £6 billion to £8.8 billion, again an increase of almost half (46%)
    - iii. 8.3 At the same, the government Early Intervention Grant fell from £2.8 billion to £1.1 billion, a 60% fall in funding that was specifically provided to prevent children and young people and families falling into crisis before they get help and support.
  - b. There is therefore a vital need to invest in early intervention and prevention.
    - i. We are continuing to see high levels of complex need in Southwark and increasing demand for support to give our children and young people a good start in life.
    - ii. There has been a 100% increase in the number of children with the most complex special educational needs and disabilities –up from 1,421 in 2015 to 2,956 in 2023.
    - iii. Children and young people in the borough are more likely to face

poverty and deprivation than the older age groups in Southwark.

- iv. The Children's Commissioner for England's childhood vulnerability index, consistently ranks Southwark in the highest 10% for key areas of concern for children's wellbeing in the home:
    - Some 5% of children in Southwark live in households where an adult has an alcohol or drug dependency
    - Some 8% of children in Southwark live in households where an adult experienced domestic abuse in the last year
    - Some 18% of children live in households where an adult has severe mental ill-health symptoms
    - A massive 23% of children live in households where an adult has one of the above risks; in total 4,360 (7%) of children live in households where an adult has two or more of the above risks; and 1% of children live in households where an adult has all three of the above risks.
9. Council assembly calls on the cabinet to support children and young people to thrive, and therefore to prioritise:
    - a. Closing the gap in life chances for our most vulnerable and disadvantaged children and families.
    - b. Increasing identification of special educational needs and disabilities in the early years, and intervening earlier to support families with children with SEND.
    - c. Making sure all children are school-ready at age 5
    - d. Work with our health and early years system to deliver the start for life programme
    - e. Developing the multi-agency offer and support to parents of children and adolescents to reduce the incidence of issues such as serious youth violence, exploitation, and the rate of teenagers entering care
    - f. Ensuring the best start for life for all children by ensuring more parenting support for new parents, more access to support around perinatal mental health concerns, and increasing the breastfeeding rates.
    - g. Empowering local communities themselves to develop and drive the local offer of services through our Family Hubs.
  10. This council resolves to:

- a. Inspired by the London Challenge, set up a Southwark Challenge to close the gap in outcomes for our children and young people. This will be representative of schools, early year's settings, social care, housing, youth services, the voluntary sector, health, children's mental health and youth justice.
- b. Realise the massive opportunity for our partnership services and communities to work more closely together to intervene earlier and improve outcomes for our children and families and realise the benefits and opportunities to reinvest those benefits in earlier support.
- c. Bring our residents, community and partners together for an Early Help/Supporting Families Summit to design together, in a people powered way, the future state of our support system.
- d. To build on the missions developed through the Southwark 2030 consultation and engagement exercise to develop a single borough vision and missions for the present and futures of our children and young people.
- e. Work within the council and with partners to marshal our social value, power and influence to advocate and create every possible opportunity for our most disadvantaged and vulnerable children and young people, those with special educational needs and disabilities, our children in care, and those facing the starkest inequalities in our society.
- f. Work to transform our whole borough supporting families system away from siloed services in single centralised spaces into integrated neighbourhood delivery arrangements through our Family Hubs.
- g. Work with our partners to take the opportunity to integrate and pool resources and assets to incrementally move from a place of investing in crisis to investing in prevention.
- h. Close the gap in life chances for our most vulnerable and disadvantaged children and families.
- i. Increase identification of special educational needs and disabilities in the early years, and intervening earlier to support families with children with SEND and make Southwark an exemplar in child and family centred SEND services.
- j. Make sure all children are school ready at age 5.
- k. Expand our offer of Free Healthy School Meals programme to secondary schools for pupils in families affected by the Universal Credit threshold.

- l. Develop the multi-agency offer and support to parents of children with adolescents –to reduce the incidence of issues such as serious youth violence, exploitation, and the rate of teenagers entering care.
- m. Ensure the best start for life for all children –by ensuring more parenting support for new parents, more access to support around perinatal mental health concerns, and increasing the breastfeeding rates.
- n. Empower local communities through people power, to develop and drive the local offer of services through our Family Hubs.
- o. Support the election of a government that will:
  - i. Make it a mission to break down the barriers to opportunity FOR every child, at every stage, and shatter the class ceiling.
  - ii. Create a modern childcare system with breakfast clubs in every primary school to give children the best start.
  - iii. Make sure there is a world class teacher in every classroom, recruiting 6,500 new staff, paid for by ending tax breaks for private schools.
  - iv. Introduce a broader curriculum, developing creativity, digital and speaking skills that ensure young people leave school ready for work and ready for life.
  - v. Expand apprenticeships and skills training to spread opportunity for all.

### **Protecting Southwark Parks from Anti-Social Behaviour**

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

1. Council assembly notes
  - a. We know how much residents value our award winning parks and green spaces. We will protect and invest in them, as well as creating new ones, ensuring that everyone has access to nature. Our satisfaction rates for our parks are between 90% and 96%.
  - b. Parks teams provide vital support to our many and diverse friends of groups and other volunteers throughout the borough, helping with planting activities, supplying materials and offering advice and supporting grant funding bids for park improvements. The average yearly number of volunteer hours delivered across our parks is 30,000, with thousands more hours delivered in other settings, green spaces, nature reserves and woodlands.
  - c. Groups are also consulted with as vital stakeholders for new

development applications, park improvement projects, events and filming projects. We have a £35m capital improvement programme for our parks and a £5m tree planting delivery plan that will see Southwark exceed 100,000 directly maintained trees.

- d. Developing strong relationships with “Friends of...” groups is key to fostering valuable community engagement, maximising the enjoyment of our parks and open spaces for the widest range of our residents.
- e. We have a team of six officers who provide a vital service in tackling anti-social behaviour (ASB) across our parks. Regular visits are undertaken to sites, issues are dealt with using a calm, friendly and educative approach. If necessary, further action is taken for breaches of parks bylaws or escalated to the police in order to tackle criminal activity.
- f. We are very proud to have successfully retained all 30 Green Flag Awards this year for our outstanding parks and open spaces. This prestigious status stands as a testament to the relentless efforts made by volunteers, community groups, park staff and our contractors Quadron/Idverde, in maintaining well-managed, safe and welcoming open spaces for park-goers.
- g. We are equally proud to have won the overall Good Parks for London award for 2022-2023 which has recognised outstanding performance and innovation across a wide range of criteria, including community engagement.
- h. The grounds maintenance contract has recently entered a 3-year extension period with Quadron/Idverde following successful delivery over the initial 7-year term. Performance tracked through KPIs has consistently scored at above 95% along with positive feedback from members of the public, “Friends of...” groups and our other stakeholders.
- i. At Nursery Row Park, a partnership between Parks, Parks Liaison Officers, the Safer Neighbourhoods Team and a mediator resulted in an improvement in ASB reported by residents living to the north of the park. The same partnership was reformed in response to the recent increase in ASB and reported criminal behaviour when a new group also became active on site. This has resulted in considerable resources being allocated to Nursery Row Park in attempting to resolve issues.
- j. This model of collaboration is one we adopt across all of our parks, green spaces and other areas of public realm. All year round, we work to design out ASB, prevent crime and deliver activities in our parks that support the safety and well-being of all our residents in these natural settings.

- k. We develop specific strategies to tackle ASB and crime for organised events of varying size and complexity in our strategic parks and larger green spaces.
2. Council assembly resolves:
- a. To continue to work with our Parks Liaison Officers, the Metropolitan Police Service and local residents to find a resolution to the issue of ASB in our parks.
  - b. To develop plans to improve areas of Nursery Row Park through capital funding; with the designs being subject to public consultation.
  - c. To invest in all our parks, providing large scale capital investment in sports facilities, new and refurbished playgrounds, improved open gym equipment and better walking and cycling routes to connect them to communities around them.
  - d. To tackle the ecological emergency, by making our council the first in inner London to have over 100,000 trees, and creating more parks, woodlands, nature sites, wildflower meadows and community gardens. People, birds, bats and bees can all thrive in Southwark.
  - e. To deliver even more high quality green spaces, working with local people to create more parks, nature sites, woodlands and urban planting. This includes brand new parks at Canada Water and off the Old Kent Road, and strengthening further through the council's response to the recent land commission.

### **Homelessness & Rough Sleeping**

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

1. Council Assembly notes:
- a. 13 years of government cuts by Conservative and Liberal Democrat governments have left local services for single homeless people with a huge funding gap.
  - b. Between 1997 and 2010, the last Labour Government cut rough sleeping in England by three quarters, to the lowest level on record. Since the Conservative and Liberal Democrat parties came to power in 2010 the number of people sleeping rough in England has more than doubled.
  - c. That rough sleeping in London is on the increase, up 12% on the same

time last year.

- d. That according to the latest figures, homelessness is up by 10%, with nearly 105,000 households in temporary accommodation, in England, last March, the highest number ever recorded.
  - e. The Local Housing Allowance (LHA) covers only 2.3% of properties advertised to rent in London. This is making it harder and harder to secure temporary accommodation in the capital.
  - f. That collectively London Councils are spending £52m every month on temporary accommodation.
  - g. That these figures are rapidly worsening as a result of Home Office policies relating to the asylum process, and in particular the decision to give successful applicants just 7 days' notice to quit their accommodation following a positive decision.
  - h. That Southwark is seeing a dramatic increase in homelessness applications resulting from Home Office cases, with a tenfold increase observed in the last two months.
2. Council Assembly recognises:
- a. That Southwark Council has a goal to support everyone who is on the street to access a home of their own.
  - b. That Southwark is also committed to being a 'Borough of Sanctuary' giving a warm welcome to refugees and assisting with resettlement.
  - c. That in 2010, homelessness figures were less than half what they are today, and rough sleeping virtually eliminated, thanks to the focused efforts of the last Labour government
  - d. That the Council is continuing to invest in homelessness prevention with family mediation, and has set up 'surgeries' to support refugees with their housing options
  - e. That the work of public and voluntary sector partners is vital, including Robes, BEAM, the Manna Centre, Southwark Law Centre, and St Mungo's, in our ambition to end homelessness and rough sleeping
  - f. That partnership, innovation and advocacy will all be essential this year as we approach the winter months
  - g. Southwark has the largest council house-building programme in the country.



- h. We must build affordable homes in order to end homelessness. That is why since 2014 we have built or started building over 3,000 new council homes. It is also the reason the council works with external partners to ensure that social rent homes are delivered as part of every major schemes. This has led, directly, to a net increase of at least 3,600 approved social rent homes in Southwark since 2014 – 2015.
3. Council Assembly resolves:
- a. To write to both the Secretary of State for Levelling Up, Housing & Communities, and the Home Secretary, requesting urgent action to deal with the crisis in rough sleeping and temporary accommodation including:
- i. An immediate increase in the Local Housing Allowance (LHA) so that it covers the bottom 30% of rents in the local area
  - ii. Additional financial support through an increase to the Homelessness Prevention Grant, recognising the additional costs that are falling on local authorities
  - iii. An increase in funding for Discretionary Housing Payments (DHP) to support residents struggling with rents in a cost of living crisis
  - iv. An urgent review of Home Office policies to prevent refugees, including those who have arrived from Afghanistan and Sudan, becoming homeless.
  - v. A Cross-Departmental Strategy to end homelessness and rough sleeping.
  - vi. A long-term commitment to dramatically increase the number of social rent homes being built across the country, with an increase in dedicated grant to support this.
- b. To request publication of a ‘winter plan’ bringing together borough-wide efforts to prevent rough sleeping over the coming months
- c. To develop a new Homelessness Strategy for adoption in 2024 which takes account of the rapidly deteriorating context
- d. Ask the council to explore every lever available to build and deliver social rent homes in Southwark.
- e. Continue the work to guarantee support to everyone who is on the street in Southwark to access a home of their own and campaign for the government action needed to end rough sleeping for good
- f. Calls on the next Government with a plan to end homelessness, get Britain building again and deliver the biggest boost to affordable housing for a generation.

## Ending Violence Against Women and Girls

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

1. Council assembly notes
  - a. Sexual violence, sexual harassment, and domestic abuse remain endemic in modern society, highlighted most recently by the appalling murders of Sabina Nessa, Sarah Everard, sisters Bibba Henry and Nicole Smallman, and Elianne Andam.
  - b. The distressing statistics that show at least 1 in 4 women have been raped or sexually assaulted as an adult, and that the conviction rate of reported rapes is below 1%.
  - c. The Casey review that included a sobering quote from an officer that states that 'you might as well say it's legal in London' in relation to low detection rates of rape and serious sexual assault.
  - d. The lived experience of survivors of rape, sexual assault, and domestic violence, unknowable to those who have not gone through it.
  - e. The recent consultation conducted by the council last year, and the valuable contributions made by councillors, residents, and organisations.
  - f. The existing council strategy, which has a time frame of 2019-2024.
  - g. The recommendations made by the Housing and Community Safety Scrutiny Commission on this subject, and the Cabinet's subsequent response earlier this year.
  - h. The launch of the 'Through Her Eyes' campaign earlier this year. The video was accompanied by a poster campaign focused in three local areas disproportionately impacted by violence against women and girls. Since its launch in Q2 2022/23, the campaign has registered 396,400 social media views, surpassing our target of 200,000. The campaign has been circulated to all secondary schools and youth provisions in the borough. The campaign has been circulated to all Metropolitan Police Service Safer Schools Officers operating across London as part of a suite of materials delivered and is therefore available to 1,033 schools across the whole of London.
  - i. The cross party, cross-borough initiatives such as the Lambeth and Southwark 'safe havens' network, where 39 premises will function as places of safety and support, with staff receiving specialised training.

- j. The intersectional nature of misogynistic hate crime and violence, including the impact of race, sexuality, and gender identity.
2. Council assembly acknowledges
- a. After a consultation the council identified the 5 hotspots where women told the council they felt less safe. All 5 of these had an Environmental Visual Audit undertaken by a specialist design out crime officer and each of which now has an action plan of short medium and longer term works. Not all identified lighting as an issue they include other works. The first audit to have works carried out identified lighting remedial works as an issue, and these works are now underway including LEDs and some upgrades designed as part of the capital programme. The council has also put in place, enhanced patrols by council Wardens and Anti-Social Behaviour Officers complemented by enhanced police activity. In addition to the audits, walk and talks have also taken place in the area with Police and local residents to identify any concerns and deal with them. This area of work is included in the council delivery plan and regularly monitored.
  - b. The Safe Spaces scheme was launched in 2021/22, providing safe locations across the borough where victims of domestic abuse can access support services. The scheme was initially targeted at Children and Family Centres, primary and secondary schools. This year saw the expansion of the scheme to other community sectors including libraries and leisure centres, cultural and arts venues, places of worship, community venues. 48 venues have now signed up to the scheme.
  - c. Southwark also launched its Safe Havens scheme jointly with Lambeth. The safe haven network is the first of its kind in London to cross borough boundaries in a joint bid to target harassment hotspot areas along their border. Staff at the 39 licensed premises and other businesses in both boroughs undergo bespoke training with the Safer Business Network, a crime reduction agency. Women who feel unsafe or have been harassed can get assistance at safe haven businesses, including staff helping organise safe transport home or calling family, friends or the police.
  - d. The council developed the Women's Safety Charter, with venues in the borough. The charter is based on a number of key principles, which ensure that all staff working at licensed premises act in a responsible and supportive manner, taking all reports seriously, sending out a clear message that female harassment in their premises will not be tolerated.
3. Council assembly believes:
- a. That male violence against women and girls is part of a broader culture of misogyny in society.

- b. More focus should be placed on changing men's behaviour than on women taking action to make themselves safer.
  - c. That despite positive work by the council and local charities, more can always be done, and the opportunity to reaffirm a commitment to end violence against women and girls should not be passed.
4. Council assembly resolves:
- a. To encourage all male councillors to take the White Ribbon pledge: to never use, excuse, or remain silent about men's violence against women.
  - b. To call out all forms of sexual objectification and all its negative outcomes, and encourage others to do the same.
  - c. To champion the wellbeing of everyone, particularly of women and girls, and encouraging the education of everyone, particularly of men and boys.
  - d. To have a zero-tolerance approach to misogyny and backs calls for crimes shown to be motivated by misogyny to be regarded as hate crimes and ensure this is meaningful in the workplace and in interactions with residents.
  - e. Finish the roll out of upgraded street lighting across the whole borough to LED, which provides better quality lighting and helps to improve street safety.
  - f. To ask the Cabinet to re-launch the Women's Safety Charter, encompassing a range of regional and nation campaigns, including 'Ask for Angela', to ensure an ever-evolving programme to tackle women's safety across the borough by delivering a robust and standardised training programme to licensed premises whilst at the same time, increasing public awareness on the topic.

### **Towards a greater provision of public toilets**

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

- 1. Council assembly notes:
  - a. We are committed to improving access to public toilets for all our residents and visitors. This access is important to enable people to get out and about, shop, socialise and live life to the full. We are exploring ways to improve access to toilet facilities.

- b. The council has created a directory and map of all the facilities currently available, including opening times.
  - c. We currently manage and maintain 33 public toilets across the borough.
  - d. Changing Places Toilets (CPTs) are fully accessible toilets that include a hoist, adult-size changing bench and enough space for people with complex care needs to receive safe and dignified personal care away from home. There are currently seven such facilities in Southwark.
  - e. From January 2021 a significant change was made to building regulations, requiring the installation of CPTs in any new builds or major refurbishment.
  - f. In April 2022, the Children & Adult Services secured £120,000 from the government's Changing Places scheme to increase provision in Southwark.
  - g. The funding is being used to develop provision in two locations, in line with feedback from key stakeholders.
  - h. The council reached out to local shops, coffee chains and other public buildings to join the Community Toilet Scheme. Unfortunately, the Covid-19 pandemic and lockdown rules made it impossible to continue the work of the Community Toilet Scheme.
2. Council assembly further notes:
- a. In January 2023, the council committed to explore the costs and practicalities of providing free period products in all of the council's public toilets and buildings, including the town hall, libraries and community centres.
  - b. In April 2023, Corporate Facilities Management drew up plans to install free vending machines at 63 sites and work on this has begun. These machines cost £115 per unit. This includes six additional vending machines, which are being installed in the Tooley Street and Queen's Road Council offices.
  - c. Since April, the council has spent circa £7,500 per month on providing free sanitary products in council buildings.
3. Council resolves to:
- a. Open new CPTs at Peckham Pulse and Dulwich Park, and explore plans for other CPTs in Southwark

- b. As part of our strategy to create a connected network of streets, provide additional facilities to support pedestrian journeys, including information on where to find toilets and other local amenities.
- c. Explore ways to reinvigorate the Community Toilet Scheme, ensuring the way forward represents good value for money for the council and builds on existing relationships with businesses.
- d. Continue the roll out of additional sanitary product vending machines in council owned buildings.

### **Southwark Stands with the Trans Community**

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

#### 1. Council assembly notes:

- a. Southwark is the proud of home of a large, diverse and thriving LGBTQ+ community.
- b. Results of the 2021 Census show Southwark to have the fourth largest population of LGB+ people and the fifth largest community of people identifying as trans or non-binary in England.
- c. Southwark Council is proud to have worked with our LGBTQ+ community and the Mayor of London to open an LGBTQ+ centre in our borough to serve our whole city. The centre provides a safe, inclusive, intergenerational and intersectional space run by the community for the community. Work is now underway to build a permanent LGBTQ+ cultural space in Blackfriars in partnership with the community.
- d. This year, Southwark held its first 'Pride in Southwark' event to celebrate the LGBTQ+ community, held at our LGBTQ+ centre. At this event, the leader of the council and leader of the opposition came together to commit to making Southwark a safer, more equal place for everyone in the LGBTQ+ community.

#### 2. Council assembly notes with concern:

- a. Hate crimes against trans people have increased by 186% in the past five years.
- b. In London, we have seen an increase in LGBTQ+ hate crimes, including two violent attacks recently in neighbouring Lambeth.
- c. Some people, including the government, have sought to create division in our community through the stoking of culture wars on LGBTQ+

issues.

3. Council assembly resolves to:

- a. Stand united with trans, non-binary and gender diverse people, assert that trans rights are human rights and reject attempts to create division in our society for political gain.
- b. Call on national government to:
  - Introduce full, no loopholes, trans-inclusive ban on conversion therapy.
  - Reform the gender recognition law. The current process of gender recognition is intrusive, outdated and humiliating. The government must introduce a modernised, simplified and reformed process, taking into account international evidence of what works effectively.
  - Strengthen and equalise the law on hate crime to further protect trans people by extending the aggravated offences regime for all protected characteristics.
- c. Ask Cabinet to:
  - Prioritise the delivery of permanent LGBTQ+ cultural space in Blackfriars in partnership with the community to open in 2024/25 financial year.
  - Work with Southwark's LGBTQ+ community to develop and deliver an action plan to address inequalities experienced by LGBTQ+ people in the borough.
  - Produce and implement an updated Equalities Framework for Southwark to further promote equality for all those with protected characteristics recognised under the Equality Act 2010.
  - Ensure this work addresses the intersectional inequalities that compound the impact on life chances for many people.
  - Continue to ensure trans people have access to the services they need, including changing rooms, homeless and domestic violence services, in line with the council's duties under the 2010 Equality Act, including the legal requirements for single sex exemptions.
  - Create gender neutral bathrooms in addition to single sex bathrooms in council buildings, and work with local businesses across Southwark to try and improve the provision of gender

neutral toilets across the borough.

- Ensure the council's equal opportunities, recruitment and anti-bullying and harassment policies make specific reference to trans equality and ensure that trans equality is included in all induction and training, including staff handbooks.
- Ensure the council continues to take a zero tolerance approach to all forms of hate crime, including against LGBTQ+ people.
- Encourage services across the council to be sensitive to the preferred pronouns of staff and residents.

**15. CREATION OF A NEW SENIOR MANAGEMENT POST: DIRECTOR, COMMUNICATIONS, ENGAGEMENT AND CHANGE**

It was not possible to circulate the report five clear days in advance of the meeting. The chair agreed to accept the item as urgent because a decision was required to approve the new director role and so move forward with the timeline for implementation of the reorganisation of senior management arrangements for the strategy and communities department as set out to staff.

**RESOLVED:**

That the creation of a new post, director, communications, engagement and change be approved.

The meeting ended at 2.40pm.

**CHAIR:**

**DATED:**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, THURSDAY 25 JANUARY 2024.**

**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.**



<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 6 February 2024	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Climate Resilience and Adaptation Strategy	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor James McAsh, Climate Emergency, Clean Air and Streets	

## **FOREWORD - COUNCILLOR JAMES McASH, CABINET MEMBER FOR CLIMATE EMERGENCY, CLEAN AIR AND STREETS**

We were proud to be one of the first local authorities to declare a climate emergency in 2019 and we are committed to doing all we can to make the borough carbon neutral by 2030.

As we entered the 2020s, experts warned that this decade is pivotal and that the world had to take action to stop irreversible damage to our planet and a climate catastrophe. We have made climate change one of our top priorities and embarked on an ambitious programme to cut carbon.

We are approaching the mid-point of our ten-year strategy. It is right that continue to take urgent action to cut carbon and work with others to amplify the calls to our Government and the global community to do the same. But, even if the world stopped producing carbon tomorrow the effects of carbon emissions will continue to be felt and worsen in the coming years. This is why alongside reducing carbon we also need to increase action on climate resilience and adaptation in the borough.

We are already seeing the impact of climate change with more extreme temperatures and local flooding. The strategy commits us to creating a more resilient borough. In it, we will take steps to build resilience to overheating, and preparing for extreme temperature, whilst reducing the risk of flooding, conserving water and improving drought resistance. We will improve food security and protect the biodiversity of the borough.

As we publish our strategy, the London Resilience Review, set up by the Mayor of London, has published its interim report on resilience in the capital. Our work is aligned with their interim findings, and I am confident that over the next few years, Southwark will be a leading voice in building resilience in the capital.

This strategy sits alongside our climate strategy and adds a new programme of work to complement our existing climate action. We published it as a draft last year, and following a full public consultation have made changes in response which will make it even more ambitious. I would like to thank everyone who took

part in the consultation and helped improve this work. This new stream of work is essential in the borough's response to the climate emergency as we prepare for and try to build a resilient low carbon future together in Southwark.

## **RECOMMENDATIONS**

That Cabinet:

1. Approve the adoption of the Climate Resilience and Adaptation Strategy which will tackle climate risk in the borough.
2. Notes the scale of challenge and ambition in the Climate Resilience and Adaptation Strategy and asks that officers deliver the action plan.
3. Incorporates the Climate Resilience and Adaptation Strategy with the Climate Change Strategy as part of the 2025 Climate Change Strategy refresh.
4. Welcomes the investment already made to support tackling climate change in the borough, but recognises the need for further action and therefore allocates an initial £1m of funding from the Climate Change Capital Fund to start delivery of the action plan.

## **BACKGROUND INFORMATION**

5. The recent impacts from extreme weather in the UK highlight the urgency of adapting to climate change. The record-breaking temperatures we have seen recently have brought unprecedented numbers of heat-related deaths, wildfire incidents and significant infrastructure disruption. Despite efforts to limit the man-made causes of climate change by reducing greenhouse gases like carbon dioxide, a level of harmful change in our climate is now unavoidable and the council must take further action to adapt to these changes.
6. Climate adaptation is the process of on-going adjustments to reduce the impact of climate change on our society as well as allowing us to take advantage of the opportunities a changing climate could provide.
7. Climate resilience is equally important as it is the ability to anticipate, prepare for, and respond to dangerous events, trends, or disturbances that are a result of climate change. At the borough level, we must quantify and understand these risks so that we can build resilience to them using the levers that are available to us.
8. The council is continually developing its understanding of this process to ensure it makes effective decisions in a changing climate. As well as its own work, it is also leading and working with boroughs across London to improve resilience and adaptation. Adaptation can mean difficult choices but the council will continue to be led by its commitments to fairness and climate justice when developing adaptation responses. On behalf of our

residents, we will continue our work with the GLA, London Councils, Transport for London, the Environment Agency and other partners to plan for and adapt the borough to the impacts of climate change, including the preparation and implementation of the London Climate Resilience Review. We will utilise adaptive business continuity planning in response to changing need.

9. Southwark is already seeing the impact of climate change and this will only worsen. Adapting the borough and strengthening our resilience is a crucial part of our response to the climate emergency. All ten of our warmest years have occurred since 2002, whereas none of the ten coldest years has occurred since 1963. Summer heatwaves are now 30 times more likely than they would be typically. Climate change means UK temperatures are set to become more volatile with more extremes of both heat and cold.
10. Southwark has a high risk of excessive heating, particularly in the centre of the borough. High heat is felt more significantly in areas with less tree canopy and lower levels of access to green open spaces. The borough is also warmed by waste heat from housing and transport and these sources add to the Southwark's susceptibility to overheating. Dense urban areas also retain more heat which can result in the centre of London being up to 10°C warmer than rural areas.
11. Climate change will have a significant impact on temperature, rainfall and seasonal changes within London. The latest predictions are for warmer, drier summers, and wetter winters, with appreciable changes anticipated through the 2020s. Flooding poses a risk to people, infrastructure, and ecosystems. 60% of Southwark residents live on land that is less than ten meters above sea level, and any changes in sea levels will have a direct effect on Southwark. Current flood defences will need to be renewed in the future.
12. An estimated 75,000 of Southwark's residents are food insecure. Climate change will increase food insecurity and we can expect this to impact on prices and greater food inequality in Southwark.
13. Neighbourhoods at the centre of Southwark have been identified to be most vulnerable to climate risk (London Climate Risk Map, GLA, 2022). The darker red areas in the borough map in Figure 1 below illustrates this high overall climate risk coinciding with areas of income and health inequalities.

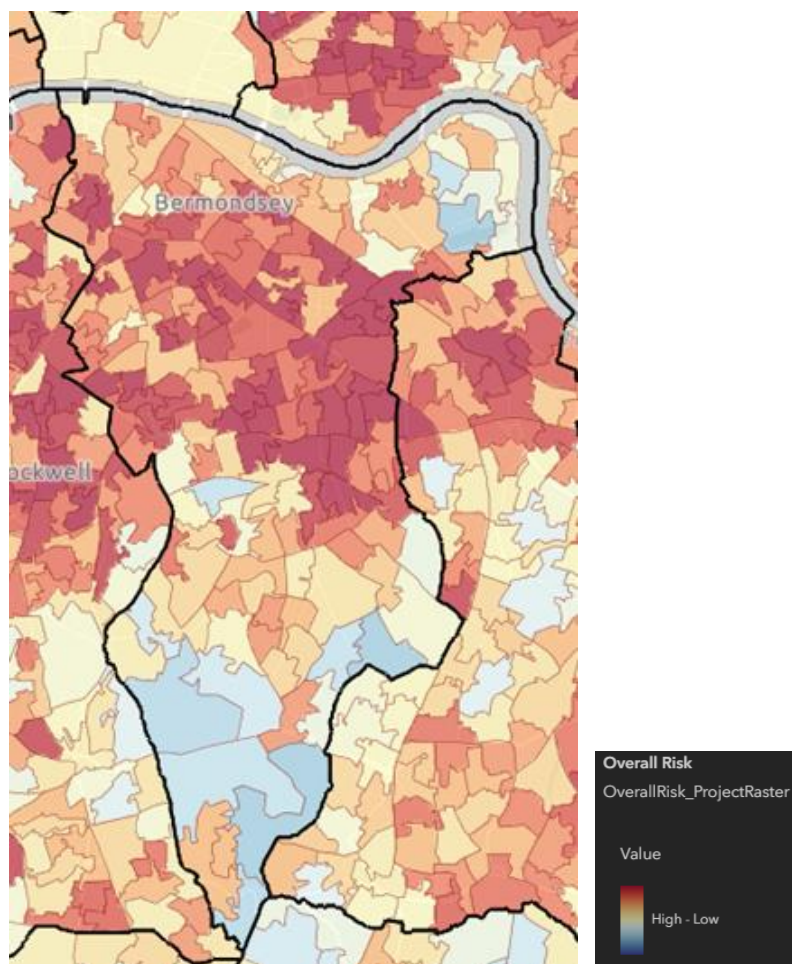


Figure 1: GLA Climate overall risk map showing Lower Support Output Areas in Southwark using the following spatial datasets: Ages Under 5, Ages Over 75, English Proficiency, Income Deprivation, Social Renters, Black, Asian and Minority Ethnic, Average Land Surface Temperature, Surface Water Flood Risk, PM2.5, NO2, Green/Blue Land Cover, Areas of Deficiency in Access to Public Open Space

(Source: <https://data.london.gov.uk/dataset/climate-risk-mapping>)

14. The latest Southwark Multi-ward Profiles 2023 data shows that the areas that are most deprived, with the highest health inequalities, are correlated with the biggest negative impacts from a changing climate.
15. Southwark is a proudly global borough. This means many of our residents are connected to friends and families around the world who are impacted by conflict and migration caused by food shortages, water shortages and extreme weather. Climate change and ecological damage will increase this forced migration which will impact on residents here in Southwark.

### Policy background

16. There is an extensive climate change policy framework that informs our work to reduce emissions and the preparation of the strategy so that it is fit for purpose to adapt the borough and be more resilient to climate change

impacts. The climate resilience background paper (Appendix 4) provides an overview of the wider policy framework.

17. The climate risk the borough faces will only increase as global temperatures rise, from the levels that are experienced today through to the higher temperatures that are expected at the end of this century. Every five years, the UK's Climate Change Committee (CCC) produces an assessment of national climate change risk called the Climate Change Risk Assessment (CCRA). The third and most recent climate change risk assessment, CCRA3, was published in 2022 and assesses the urgency of adapting to climate risk by comparing our current climate to future climate scenarios that model future global rises in mean temperature. These include two key scenarios:

<b>Scenario</b>	<b>Climate impact</b>
(1) A +2°C increase in global mean temperature by the middle of the century (2050), representing a medium-high emissions scenario in carbon emissions.	This would result in warmer temperatures with a greater number of hotter days and less rainfall in summer than today. Our weather would also be stormier, with heavier rainfall when it does rain and higher chances of flooding.
(2) +4°C rise in global mean temperatures at the end of the century, which is the scenario that is consistent with the current limited global ambition for reducing carbon emissions.	This scenario would result in more days above 40°C, and significantly warmer summer mean temperatures. Sea levels will have risen by at least 1 metre and this will require long term, collaborative response across London. Peak river flows will be more extreme due to heavier storms, yet periods of drought will also take place with lower average rainfall in the summer.

18. The CCC advises that organisations should plan for impacts of +2°C mean temperature increase by 2050 and assess the risks of a +4°C temperature rise scenario by 2100. Whilst the council recognises that there is a certain amount of uncertainty associated with future climate change projections, the council must plan for and assess these scenarios.
19. The CCRA3 provides a list of 61 climate adaptation risks and opportunities. The council's approach within the Climate Resilience and Adaptation Strategy is to focus on risks and opportunities where we can be targeted enough to form the basis of a focused practical response. This will allow the council to engage with residents in the borough on issues that are already directly impacting them.

20. The council will be taking an adaptive, flexible approach to the delivery of this strategy where it will frequently review and update it as new data, technology and approaches become available to better inform the council's thinking and decision-making. An example of being flexible is the planned major refresh of our Climate Change Strategy in 2025, which will enable the council to review its progression on adaptation and take into account access to new data for the borough. At this point, resilience and adaptation will be built into the council's overarching Climate Change Strategy.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of the Climate Resilience and Adaptation Strategy**

21. Climate resilience and adaptation can cover a huge breadth of issues, from flooding to the impact of global migration. To ensure that this strategy is focused and actions can be delivered, it focuses on key risks where the actions that we take can make the borough more resilient.
22. The strategy also ensures that these actions tackle factors which contribute to climate change. The strategy focuses on solutions that the council can deliver or influence with its partners. For example, the strategy will not try to tackle global food supply chains, but will look at what we can do to ensure a greater use of locally-sourced food to increase local resilience.
23. The council will consider the impact of higher temperatures and risk as it delivers and plans services for its residents, and invests in buildings, places and neighbourhoods across the borough.
24. The strategy considers five themes, which are covered within the latest national Climate Change Risk Assessment (CCRA, 2022): overheating, flooding, water scarcity, pests and diseases and loss of natural capital. The sixth theme, 'Thriving Natural Environment', has a dedicated section in the Climate Strategy and Climate Change Action Plan, so is not covered here. We will consider further themes as we deliver, develop and adapt the plan.
25. Each theme has a series of action points (Appendix 2) that have been identified to target specific issues and are designed so that they are SMART: specific, measurable, assignable, realistic and time-related. Each action point has a named cabinet member and director who will be responsible for delivery. The Climate Change Team will monitor the delivery of the action plan.

### **Delivery, monitoring and reporting of the strategy**

26. The strategy is underpinned by the need to respond to the impacts of a +2°C temperature increase by 2050 using the resources that are available. The council recognises the challenge of this ambition, so is committed to delivering the Climate Resilience and Adaptation Strategy using the following principles:

### Delivery

- Focus efforts on working with the residents and neighbourhoods that are most vulnerable to the impacts of climate change.
- Ensure climate adaptation and resilience informs the decisions the council takes alongside our other policies and priorities, and ensures new plans and strategies consider climate risk at the earliest opportunity and seek opportunities to realise co-benefits and efficiencies.
- Continues engagement and collaboration with residents and neighbourhoods through programmes, stakeholder panels and other engagement methods such as the council's annual climate day.
- Acts at appropriate scales within the borough. This means focusing on people and the buildings that they live in and use, our public realm, our parks and our neighbourhoods. The council will address risks that affect the entire borough and work closely with partners and neighbouring boroughs to do this.
- Leverage funding and investment to deliver the actions in this plan and make best use of available resources.

### Data

- Continues to identify climate risks and impacts to understand how to address them in our decision-making and actions.
- Ensures a sufficiently flexible approach to decisions so that they do not have long-lasting consequences that create obstacles for future adaptation.
- Underpins its response and preparations for climate change by using the best available evidence and data to identify and tackle the climate risks.

### Coordination

- Continue to take an integrated approach for the governance of the plan within the council and work to align this with other council strategies.
- Seek out opportunities to reduce emissions and address climate risks at the same time.
- Recognise that although we do not own or manage important infrastructure within our borough (e.g. electricity grid, Rotherhithe Tunnel, TfL 'red route' network) we are a key partner to those who do. We will work with such partners to futureproof infrastructure.
- Continue to work closely with London Councils and other London boroughs to establish and share best practice across London.

### Reporting

27. Annual reporting on delivery progress will take place at the end of each financial year, as part of the annual Climate Change Strategy reporting.

## Consultation

28. Public consultation on the draft Climate Resilience and Adaptation Strategy took place for six weeks from 29 August 2023 to 9 October 2023. 124 people completed the online survey and written representations were received from Southwark campaign groups (Extinction Rebellion, Southwark Planning Network, Southwark Law Centre), stakeholders (Historic England, Environment Agency, Natural England) and members of the public. Issues raised included:
- Climate justice and focusing resources on those who are most vulnerable
  - +2°C and +4°C temperature increase scenarios and the latest national policy context
  - More engagement with the community e.g. Citizens' Assembly
  - 'Hot homes' that suffer from excess heat as a result of their heating systems or insulation
  - Nature-based solutions, urban greening, biodiversity net gain and trees
29. Officers have updated the strategy in response to suggestions that were raised through consultation, including:
- An increased focus on those who are exposed to higher climate risk and are most vulnerable to the impacts of a changing climate
  - Commitment to ongoing community engagement
  - Updated and new action points for all five adaptation themes: overheating, flooding, water use, food and trade, and pests and diseases
30. Climate Change Team officers also engaged with relevant council teams during and after the public consultation process to revise and agree the proposed action points, and feed into the strategy.
31. The Consultation Report (Appendix 3) provides a further summary of the public consultation process and how we have responded to the consultation responses that were received.

## Policy framework implications

32. Once adopted, the Climate Resilience and Adaptation Strategy will append to our main Southwark Climate Change Strategy "Tackling the Climate Emergency Together". Combined, they will provide our strategy and plan to tackle the climate emergency and build a more resilient future for Southwark. The strategy contains a new schedule of climate adaptation and resilience actions for our climate action plan that will be delivered alongside the existing actions.



33. Other council plans and strategies will need to consider how climate risk and adaptation will be addressed. This will be required when policies and strategies are reviewed to ensure that they align with the Climate Resilience and Adaptation Strategy. In some areas, a review will be needed sooner than previously planned if a quicker response is needed. For example, the council's new Local Nature Recovery Strategy, which will be prepared under its legal biodiversity duty, will need to consider the impacts of a changing climate.
34. The partial review of the Southwark Plan, the council's local plan and key planning document setting out our framework for planning and regeneration in the borough, will offer the opportunity to align new and updated planning policies to meet emerging climate risk.
35. There will also be opportunity to consider climate adaptation impacts for our public realm and neighbourhoods through the Streets for People Strategy and the Southwark 2030 programme.

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

#### **Community impact statement**

36. The impacts of climate change do not impact all people equally. Economic and social inequalities are exacerbated, and sometimes even caused, by the impacts of our changing climate. It is therefore necessary to implement preventative steps through this strategy in a way that is fair and proportionate to the impacts felt. In no way should adaptation measures cause further negative outcomes for communities already affected by climate change.
37. The council recognises the need to continue to work with our local community on climate change, ensuring the work we undertake is developed in partnership with residents, businesses and other stakeholders. Climate adaptation and resilience work will form part of our stakeholder partnership workstreams alongside reducing carbon emissions, so we can learn and adapt our projects to maximise their impact.

#### **Equalities (including socio-economic) impact statement**

38. The council recognises through our work that, while everyone is affected by climate change, the extent of that impact is not equal. As stated in our main Climate Change Strategy, climate change has the biggest impact on those who are poorer or have underlying health conditions. Our strategy has a central objective to focus on those who are most vulnerable to this impact, including Black, Asian and Minority Ethnic residents who are often most disproportionately affected. Social justice will be at the centre of our approach.

39. The council has undertaken a full Equalities Impact Assessment (Appendix 5) for the strategy and have concluded that overall, the strategy will have a positive impact as it aims to reduce the impact of climate change on those who are most vulnerable and their protected characteristics. Officers will continue to assess equalities impacts and promote equality through the delivery of the individual action points.

### **Health impact statement**

40. Action towards climate change and particularly climate adaptation will promote improvements in health, for example by reducing pollution, mitigating against extreme temperatures, and encouraging active travel. Delivering health benefits for our residents is a key objective of the Climate Resilience and Adaptation Strategy as it defines measures to address overheating in the borough and minimise pests and diseases that could be experienced through a changing climate.

### **Climate change implications**

41. The Climate Resilience and Adaptation Strategy directly addresses how the council will focus on adapting the borough and making it more resilient to climate change. It is crucial to the council's climate response. The purpose of this work is to make the borough more climate resilient and continue to tackle climate change through our interventions. At all stages this strategy will seek to maximise its impact on tackling climate change.

### **Resource implications**

42. The council recognises that we do not currently have the resource to deliver our climate ambition, however, there is much that can be done now, and a strong case for us and other councils to make to government for the necessary investment.
43. The Climate Resilience and Adaptation Strategy sets out where resources will be a particular issue for the council. Actions will be reviewed on a quarterly basis, to help identify gaps in resource, where additional support is needed and identify potential solutions. The council is in the process of expanding the Climate Change Team to respond to this need and increase the delivery of actions within the Climate Action Plan and Climate Resilience and Adaptation Strategy, but the council recognises that multiple council teams are responsible for the delivery of actions, and that tackling climate change is shared responsibility and a part of the role of all officers in the council.

### **Legal implications**

44. There are no direct legal implications arising from this report; however, any necessary legal advice should be sought in relation to individual decisions resulting from the implementation of the Climate Resilience and Adaptation Strategy and the Climate Change Strategy and Action Plan.

## **Financial implications**

45. As the Climate Resilience and Adaptation Strategy will append the Climate Change Strategy and Action Plan, while much of the delivery of the Climate Resilience and Adaptation Strategy can be delivered within existing budgets it is recognised that additional capital resource will help to prioritise work and speed up delivery. This report asks Cabinet to agree to allocate £1m of funding from the council's Climate Capital Fund to deliver actions contained within the plan.
46. The council will also identify areas which are beyond the scope of council resources and bring forward proposals to identify external funding or calls on government for funding.

## **Consultation**

47. See paragraphs 28-31 above.
48. Full public consultation was carried out on the draft Climate Resilience and Adaptation Strategy between August and October 2023 with response feeding into the final draft of the strategy and action points.
49. The council's annual Climate Change Strategy report is also part of our commitment to transparency so that our residents and others can see the action that is being taken and the progress that is being made.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive - Governance & Assurance (SB09012024)**

50. This report seeks approval of the adoption of the Climate Resilience and Adaptation Strategy and its incorporation with the Climate Change Strategy as part of the 2025 Climate Change Strategy refresh.
51. The council has the statutory authority to produce this strategy in accordance with the powers of general competence prescribed by section 1 of the Localism Act 2011. The development (and further development) of a climate strategy is an executive function of the council which can be considered by Cabinet in accordance with the Local Government Act 2000 and Part 3B of the council's Constitution.
52. In approving the recommendations of this report Cabinet must be mindful of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which requires the council to have due regard to the need to eliminate discrimination, advance equality of opportunity, and to foster good relations between people with a "protected characteristic" and others.
53. The community and equalities impact statements set out within paragraphs

36 to 39 recognise and acknowledge the unequal and potentially disproportionate effects and impact of climate change on those with protected characteristics, and note that a focus of the new strategy is to implement preventive measures which are designed to reduce the impact on and generate positive benefits for vulnerable individuals in the community, as well as to maintain engagement with groups representing these protected characteristics. Paragraph 39 summarises the findings of an Equalities Impact Assessment which has been undertaken and produced in connection with the development of the new strategy, and which should be considered by Cabinet in making this decision.

54. The report describes the extensive consultation that has taken place in producing this strategy and the steps that have been taken to ensure that the exercise has been carried out fairly and has involved a diverse range of stakeholders, in particular those with protected characteristics most affected by climate change. It also indicates how the strategy has been changed and developed in the light of the responses received from this consultation process. Cabinet will need to conscientiously take into account the results of the consultation as described in the report when making its decision on this strategy.
55. There are no other significant legal implications arising from the recommendations in this report. However, any necessary legal advice will be provided to officers in relation to individual decisions resulting from the implementation of the new strategy and the Climate Change Strategy and Action Plan.

#### **Strategic Director of Finance (ENG23/137)**

56. The strategic director of finance notes the recommendations to Cabinet to approve the adoption of the Climate Resilience and Adaptation Strategy and its incorporation with the Climate Change Strategy as part of the 2025 Climate Change Strategy refresh.
57. The strategic director also notes the financial implications and the request to Cabinet to agree to allocate £1m of funding from the council's Climate Capital Fund to deliver actions contained within the plan.
58. Officer time and other costs associated with the recommendations will be contained within existing departmental revenue budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Climate Resilience Background Paper	Climate Change Team	
<b>Link:</b> <a href="https://www.southwark.gov.uk/assets/attach/206967/Climate-Resilience-Background-Paper.pdf">https://www.southwark.gov.uk/assets/attach/206967/Climate-Resilience-Background-Paper.pdf</a>		

## APPENDICES

No.	Title
Appendix 1	Climate Resilience and Adaptation Strategy
Appendix 2	Action Plan
Appendix 3	Consultation Report
Appendix 4	Climate Resilience Background Paper
Appendix 5	Equalities Impact Assessment

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor James McAsh, Climate Emergency, Clean Air and Streets	
<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment, Neighbourhoods and Growth	
<b>Report Author</b>	Tom Sharland, Head of Climate Change and Sustainability	
<b>Version</b>	Final	
<b>Dated</b>	25 January 2024	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		25 January 2024

<b>Item No.</b> 12.	<b>Classification:</b> Open	<b>Date:</b> 6 February 2024	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Gateway 1 - Procurement Strategy for Nursing Care Provision	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Evelyn Akoto, Health and Wellbeing	

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

Southwark is committed to ensuring that we have high quality local services for our residents. Over the last decade, the number of nursing homes have reduced and the quality has been variable.

This procurement strategy seeks to protect the current provision in a nursing home by seeking an alternative provider to run the services. This strategy is related to another report being considered by Cabinet in relation to purchasing the freehold of a property that provides nursing care.

This procurement strategy builds on the previous strategies for increasing local provision. Firstly, there was the GW1 report in 2019 which led to block contracts with three nursing homes including the redevelopment of a site for nursing care that increased the number of registered beds from 55 to 98. Then there was the GW1 report for the transfer of provider for four older people care homes, which included the intention to repurpose some of the residential provision into nursing provision; since May 17 rooms have converted to nursing care and the Avon Unit has opened with its reablement beds.

This procurement strategy recommends that officers undertake a negotiated approach to identifying an alternative provider in the nursing home. This will enable officers to involve residents and loved ones in the process and ensure that discussions about quality, and particularly quality improvement, is at the heart of the evaluation process.

Cabinet should note that residents, loved ones and staff were met by officers from the council and the current provider to explain the contents of both reports in terms of what it means for them – that services and employment continue to be available, with a view to identifying a new provider of care.

I am delighted that this procurement is linked to the purchase of the freehold of the property so that, in the future, the council can better control the future provision on the site and look forward to working with the new provider in the future.

## RECOMMENDATIONS

1. That the Cabinet approve the procurement strategy for nursing care provision in Tower Bridge Care Centre by advertising the contract opportunity on the Find a Tender Service (FTS) using a negotiated approach for a single contract for a period of ten years with an option to extend for a further five years (2+2+1) commencing 1 October 2024.
2. That the Cabinet delegate the approval of the award of the contract, following the conclusion of the tender to the Strategic Director for Children and Adult Services, in consultation with the Cabinet Member for Health and Wellbeing for the reasons set out in paragraph 39.
3. That the Cabinet note that this procurement strategy will require separate negotiations with individual bidders resulting in a single contract award which will be approved through a Gateway 2 report.
4. That the Cabinet note that the procurement strategy is subject to the approval of the cabinet report titled: 'Freehold acquisition of an operational property asset for key service provision and subsequent leasing arrangements'.
5. That the Cabinet note that the total estimated maximum figure for the contract is in the region of £4.3m per annum, £64.5m over the term of the contract.

## BACKGROUND INFORMATION

6. Nursing care homes are regulated by the Care Quality Commission (CQC) to provide both general and dementia beds where the care is supervised by a nurse funded by the local NHS Integrated Care Board (ICB). Nursing care homes usually contain floors that are not registered for nursing care (referred to simply as "Residential Care"). Services tend to operate from large buildings, usually purpose built to meet the specialist requirements of their residents.
7. Forecast spend will be around £16m in 2023/24 on adult social care nursing care home provision. Nursing Care providers receive on top of this, an additional payment per resident from the local ICB through a standard funded nursing care (FNC) fee. This FNC rate in 2023/24 was £219.71 per week. Of the total forecast spend for 2023/24, approximately £4.3m will be spent with Tower Bridge Care Centre across 90 clients of which 55 are included in the block contract. TBCC is currently rated by the CQC as Requires Improvement.
8. Around 45% of clients (295 in total) are currently out of borough in 69 different homes. Nursing homes in Lambeth, Lewisham, Croydon and Bromley tend to be those most frequently used.
9. There are presently three block contract arrangements for nursing care. In April 2019, Cabinet approved a GW1 report to undertake negotiated procedures with nursing home providers to purchase services. In October 2020, a Gateway 2 report was approved by the Strategic Director for Children

and Adult Services for the award of a contract to HC-One for 55 nursing care beds at Tower Bridge Care Centre (TBCC) in Southwark.

10. HC-One has agreed to sell the care home (TBCC) to the council so that the council will own the freehold and appoint an alternative provider to provide care in the home. The sale is linked to finding an alternative care provider who can take responsibility for running the home from 1 October 2024. The sale to the council will avoid the possibility of the care home closing and ensures that local provision continues to be available for Southwark residents.
11. The number of people receiving nursing care has remained relatively constant over recent years:

**Table 1: Nursing Care Permanent Placements**

<b>Period</b>	<b>No. at end of the year (snapshot)</b>	<b>Total number of permanent placements during the year (flow)</b>	<b>Average length of tenure in nursing homes (Years)</b>
2018-19	225	325	1.3
2019-20	250	355	1.5
2020-21	195	305	1.9
2021-22	235	310	1.7

12. Due to the increasing frailty of most people accessing this setting of care, the average length of stay for all new placements anticipated to decrease. Modelling of demand has shown that if there was sufficient local supply (240 placements), around 80% of nursing placements would have been made in borough. The remaining cohort of service users will require a longer term placement in a specialist home (primarily those of working age adults with complex acquired brain injury) or primarily older people who have family connections to other areas.

### **Summary of the business case/justification for the procurement**

13. In addition to the reasons set out in the GW1 – Nursing Care report (April 2019), the reason for this procurement strategy is to ensure that a qualified provider is appointed to run, and improve, the nursing home.

### **Market considerations**

14. The CQC's State of Care report 2023 discusses access to adult social care and the challenges faced by the sector – providers and commissioners alike. The most significant challenges relate to financial sustainability and the maintenance of good quality care across the entire health and social care system.
15. The reasons cited by providers for the decline in nursing care provision in London include the higher land prices that deter development in inner London, workforce challenges, and relatively few self-funders compared to outer



London areas such as Bromley, Croydon and Ealing. These are areas with much larger populations of older people with far higher rates of owner occupation (a basic indicator of what proportion of people pay for their own care). This means that Southwark care homes are far more reliant upon council funded placements.

16. There are three homes in Southwark registered to provide nursing care:

- **Tower Bridge Care Centre** (provided by HC One), which is a large home whose CQC rating has fluctuated over recent years between Good, Requires Improvement and Inadequate and is currently rated as Requires Improvement.
- **Camberwell Lodge** (provided by Country Court), which is currently rated as Requires Improvement and we are currently working with the provider to improve quality.
- **Waterside** (provided by Agincare), not inspected since nursing care introduced.
- Queens Oak care home previously operating within borough has now closed.

17. The local market is therefore summarised in table 2 below:

**Table 2: The evolving Southwark Nursing Care Market**

<b>Nursing home and number of beds</b>	<b>Provider</b>	<b>2015</b>	<b>2018</b>	<b>2020</b>	<b>2022</b>	<b>2023</b>
Camberwell Lodge*	Country Court Care from 2017 (Previously Four Seasons)	55	0	0	98*	98*
Tower Bridge	HC-One Ltd	128	128	128	128	128
Queens Oak**	Excel Care	88	88	88	88	0
Waterside***	Agincare from 2023 (Previously Anchor)	0	0	0	0	17
<b>Total</b>		271	216	216	320	249

\* The new home on this site recently increased nursing care beds from 52 to 72

\*\* Care home was initially block booked by Lambeth. It closed in 2022.

\*\*\* Residential care home converting some rooms to provide nursing care

18. The recommended procurement approach does not restrict any other potential suitably experienced providers who may be able to meet in borough requirements from applying to win this contract.

## KEY ISSUES FOR CONSIDERATION

### Options for procurement route including procurement approach.

19. The strategic objective of the procurement exercise is to avoid a reduction in the provision of nursing care within the borough of Southwark and identify an alternative provider of care in Tower Bridge Care Centre. Several options have been considered which are summarised below (including the recommended option):

**Table 3: Procurement Options**

<b>Recommended Option</b>	<b>Detail</b>
1. Negotiated process	<p>The Council publishes a Prior Information Notice (PIN) in FTS and Contracts Finder to potential bidders who have experience in running a Nursing home seeking expressions of interest in entering negotiations for this contract opportunity.</p> <p>A contract notice will be published inviting interested parties to bid for this opportunity. Bidders will need to pre-qualify before entering into negotiations with the council.</p> <p>Officers know of a number of providers who currently or plan to develop local care homes with whom it would highlight the procurement opportunity.</p> <p>The service specification, which was recently co-produced with local people and key multi-disciplinary leads, and the subject of the current contract with HC One, will be included within the tender documents.</p>

<b>Not Recommended Options</b>	<b>Detail</b>	<b>Advantages</b>	<b>Disadvantages</b>
2. Do nothing	Carry on purchasing beds on an individual basis	Buy only what is needed when it is needed	This approach has not ensured sufficient local supply and does not necessarily provide value for money.
3. Cease the service	No longer use nursing care facilities	No need to undertake a procurement	This will not meet statutory duty defined under the Care Act 2014.

<b>Not Recommended Options</b>	<b>Detail</b>	<b>Advantages</b>	<b>Disadvantages</b>
4. Shared Service Delivery	Purchasing beds with other boroughs through joint contracting arrangements	Achieve economies of scale	There is little tangible interest currently amongst neighbouring boroughs and this approach would not necessarily support the development of good provision within Southwark
5. Bring in house	The Council provides nursing care itself	Council uses its assets to create local supply	The Council does not possess the technical expertise in this area and given that an alternative provider needs to be identified within 6 months, the council will have insufficient time to acquire the relevant expertise.
6. Voluntary sector/not for profit provision only	Restrict bids to non-profit making organisations	Profits on any operation would be directed back into the service and not towards company profit. Providers also can fund raise to support running costs	The recommended approach does not exclude charitable organisations, but soft market testing recognises that few voluntary and community sector providers now deliver general nursing care for frail older people due to the financial and operational challenges. The trend being for them to close such services in recent years.
7. Single-borough Dynamic Purchasing System (DPS) or other forms of framework agreements.	Establish a framework from which to undertake "call Offs "or mini competitions as required	Simpler to procure in the first stage and DPS in particular gives scope for new providers to join during the term	The market showed little interest in engaging with this approach and is unlikely to support the local market and guarantee sufficient supply

### Proposed procurement route

20. Option one is recommended due to the council purchasing the freehold of the building and requiring a new provider to run the home whilst providing a number of block-purchased rooms. In addition there will need to be clarity about the responsibilities and liabilities related to the building in the form of a

lease linked to the care contract. This will build on the arrangements set out in appendix 1 of the closed report, 'Freehold acquisition of an operational property asset for key service provision and subsequent leasing arrangements'.

21. A PIN will be published as set out in table 3 above, notifying the market of the upcoming contract opportunity and giving potential bidders an opportunity to express an interest up to four weeks prior to the Contract Notice being published.
22. The contract notice will be advertised in the following places:
  - Find a Tender Service
  - Contracts Finder
  - ProContract portal (the council's e-procurement portal)
23. This procurement will be subject to the light touch regime as prescribed under the Public Contract Regulations 2015 and will not be subject to the new Provider Selection Regime (PSR) as the primary purpose of the service is to provide social care and not health care. The nursing care provider will receive funding directly from their local ICB through a standard funded nursing care (FNC) fee. As this tender is subject to the light touch regime, the tender process does not require one of the established procurement processes to be followed.
24. The tender process will comprise the following stages:
  - Stage 1 – Standard Selection Questionnaire (SQ), pre-qualification stage
  - Stage 2 – Minimum of three shortlisted bidders Invited to Negotiate (ITN)
  - Stage 3 – Initial Proposals submitted and evaluated
  - Stage 4 – Commencement of Negotiations
  - Stage 5 – Final Proposals evaluated and preferred bidder recommended for contract award
25. Dependent upon the number of pre-qualified bidders, the recommended procurement strategy is likely to involve a number of concurrent negotiations which will be informed by the council's requirements and specific circumstances.
26. The council will reserve the right to shortlist bidders at any stage during the tender process although a minimum of three bidders will be invited to negotiate if numbers allow.
27. Bidders will be required to complete a "Standard Selection Questionnaire" (SQ) which is a series of set questions to evaluate the bidder's suitability to deliver the contract.
28. The SQ will require bidders to provide details of their company structure and financial standing, alongside their record of delivering nursing care. If the information supplied meets the minimum requirements, the council will then

invite pre-qualified bidders to submit an initial proposal which will be evaluated prior to entering into formal contract negotiations with each bidder covering areas such as:

- Bed numbers to be covered by any contract
  - The ratio of beds for standard nursing care and dementia nursing care
  - The mix of complexity of need of the residents
  - Approach to delivering the service to the required standards set out in the service specification
  - Ability to attain and maintain the CQC rating of Good
  - How general void costs can be minimised for both the Council and the provider
  - Ability to adopt the current contract price
  - Length of contract term and any specific targets or milestones to be achieved during that term
  - Approach to multi-disciplinary partnership working
29. By commissioning this provision, through an external provider, there is an opportunity for the council to consolidate the capital costs of the building with care costs and achieve efficiency and better value for money. A cost benefit analysis of this consolidated approach will be undertaken as part of the tendering process and a final decision will be taken at the award stage and will be detailed in Gateway 2 report.
30. The total number of rooms within the care home is 128 and it is expected that the provider will use the beds outside of the block of 55 rooms for self-funders and other local authorities which will enable the provider to competitively price their tender. The amount of self-funders beds will be defined prior to going out to tender.
31. In addition, a significant reason for recommending this option is for the council to ensure a fit for future and high quality nursing care provision from a provider who has the expertise and track record of supporting the needs of older people with dementia and nursing care needs.
32. The tendering process will invite providers with the necessary experience of CQC regulation and governance structures to bid for the contract to run a large scale nursing care provision within the Tower Bridge Care Centre.

## Identified risks for the procurement.

**Table 4: Risk log**

<b>Risk</b>	<b>Mitigation</b>	<b>Level</b>
Lack of interest	Soft market testing has demonstrated that there is interest within the sector to deliver good quality homes within the borough under contract with the Council.	Low
Challenge from providers	The proposed approach satisfies the requirements of the Public Contracts Regulations 2015 as they apply to "light touch" services, which allow for a negotiated process.	Low
The procurement approach recommended is un-affordable or fails to meet requirements as set out in the Council's Fairer Futures Procurement Strategy.	The negotiations will be informed by the Fairer Future Pledges Strategy. Should the outcome of individual negotiations not provide value for money then consideration to the future of the home will have to be given.	Low
Procurement might not get completed within timescales.	Robust project management is in place and this tender will be given priority by the officers.  The council will seek to agree with HC-One to continue delivery of service in case of any delay in the procurement.	Low
Freehold acquisition doesn't go through.	If the sale does not conclude then the procurement will not proceed.	Low
CQC ratings are not satisfactory.	The CQC history of a provider and the care home from which the service is intended to be delivered will be considered with any individual contract award potentially being linked to the achievement or maintenance of quality milestones through the initial contract term. Step-in rights will also be included in the contract terms and conditions.	Medium

Risk	Mitigation	Level
	Adherence to the Southwark Residential Care Charter will be a condition of contract.	

### Key /Non-Key decisions

33. This is a key decision.

### Policy Implications

34. The recommendations as set out in this report are shaped by the Council Plan 2022-26; to ensure Southwark residents have access to good quality residential and home care and roll out of Southwark's Residential Care Charter.
35. The Care Act 2014 places a duty on the council to assess and support frail and disabled adults with their eligible care needs, whilst promoting diversity and quality in the provision of services.
36. Southwark's vision for adult social care is to deliver well-co-ordinated personalised health and social care services to prevent, delay or reduce the need for care, and to support people to live as independent lives as possible. Nursing care within this context applies to those living with complex needs who require 24-hour care in the latter stages of their life.
37. It is estimated that there are approximately 4,000 Southwark citizens who are frail, living with dementia or approaching the end of life, to whom nursing care may be a significant area of service provision.

### Procurement project plan (key decisions)

Activity	Complete by:
Enter Gateway 1 decision on the Forward Plan	16/01/2023
DCRB Review Gateway 1	17/01/2023
CCRB Review Gateway 1	11/01/2023
Brief relevant cabinet member (over £100k)	12/01/2023
Notification of forthcoming decision - Cabinet	16/01/2023
Publication of PIN	22/01/2024
Approval of Gateway 1: Procurement strategy report	05/02/2023
Scrutiny Call in period and notification of implementation of Gateway 1 decision	10/02/2024
Completion of tender documentation	10/02/2024
Publication of Find a Tender Notice	19/02/2024

<b>Activity</b>	<b>Complete by:</b>
Publication of Opportunity on Contracts Finder	19/02/2024
Invitation to tender	19/02/2024
Closing date for SQ	01/03/2024
Evaluation of SQ	05/03/2024
Issue Invitation to Negotiate to shortlisted bidders	11/03/2024
Deadline for return of Initial proposal	25/03/2024
Evaluation of Initial Proposals	12/04/2024
Commencement of Negotiation Rounds	22/04/2024
Completion of Negotiation Rounds	31/05/2024
Closing date for return of Final tenders	07/06/2024
Completion of evaluation of tenders	17/06/2024
DCRB Review Gateway 2:	03/07/2024
CCRB Review Gateway 2	11/07/2024
Approval of Gateway 2: Contract Award Report	26/07/2024
Debrief Notice and Standstill Period (if applicable)	09/08/2024
Contract award	09/08/2024
Add to Contract Register	09/08/2024
TUPE Consultation period (if applicable)	01/10/2024
Place award notice on Find a Tender portal	09/08/2024
Place award notice on Contracts Finder	09/08/2024
Contract start	01/10/2024
Initial contract completion date	30/09/2034
Contract completion date – (if extension(s) exercised)	30/09/2036

38. Timescales as shown in the plan above are tight and therefore require the approval of the GW2 contract award report to be delegated as it is unlikely that Cabinet dates could be met.

### **TUPE/Pensions implications**

39. There will be TUPE implications for staff at Tower Bridge Care Centre from the current provider. As part of the tendering process, all the TUPE information will be obtained from the current provider and shared with all bidders.
40. There will be no TUPE implications for the council as there are no staff on council's terms and conditions employed by the current provider.



### **Development of the tender documentation**

41. The Director of Commissioning will oversee the procurement process with support from Adults and Children's procurement team and the council's legal team.
42. The key aspects of subsequent negotiations will be recorded, and templates as required developed to assess the value for money for bed prices quotes, to ensure a thorough audit trail.

### **Advertising the contract**

43. Notification on FTS and Contracts Finder. Homes who have engaged with the council under soft market testing are advised to register on the government's "contracts finder" portal, so they will receive notifications of the advert automatically once placed.

### **Evaluation**

44. The tender submissions will initially be subjected to a suitability assessment and will be evaluated by officers from commissioning, procurement, and finance teams.
45. Evaluation of submissions and the subsequent negotiations will be carried out by senior council officers who have sufficient seniority and expertise in the area.
46. The evaluation methodology for the tender submissions will be agreed in conjunction with finance, legal, property and facilities management, as well as procurement colleagues.
47. The evaluation criteria will include weightings based on 55% quality, 30% price and 15% social value. The proposed balance reflects the plan to incorporate strict financial controls using capped rates and the necessary emphasis upon the quality of care and outcomes to be achieved for vulnerable residents.

### **Community impact statement**

48. Southwark is an extremely diverse borough, and this applies both to users of adult social care, the general population, and its care workforce. The residential care population is predominantly frail older adults or older people with dementia and mental health support needs. In line with the demographic profile of old frail population, this group of residents is more likely to be female and white than the general population.
49. It is believed the council's procurement plans will not have a negative impact in relation to the groups identified as having a "protected characteristic" under the Equality Act 2010 and the councils' equality agenda, age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race,

religion or belief, sex, sexual orientation. It will however directly benefit the older population including those with mental health support needs.

50. Initial Equalities Impact Assessment (EIA) has been conducted and further EIA will be conducted as part of the tendering process and following aspects will be considered:

- Ensure the new provider can provide culturally competent and sensitive personal care, meals and activities.
- Ensure processes are in place for carers to deliver culturally competent end of life care to Black, Asian, Latin American, and Minority Ethnic residents.
- Ongoing monitoring of satisfaction levels across all residents on person centred quality of care.
- Provider to understand how to support and manage any language barriers for those with dementia, as people can lose the ability to communicate in languages, as their dementia progresses.
- Take appropriate action to ensure digital access for older people.

51. Care homes provide employment opportunities for local people.

### **Equalities (including socio-economic) impact statement**

52. Pursuant to section 149 of the Equality Act 2010, the Council has a duty to have due regard in its decision-making processes to the need to:

- a. Eliminate discrimination, harassment, victimisation or other prohibited conduct.
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not.
- c. Foster good relations between those who share a relevant characteristic and those that do not share it.

53. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Public Sector Equality Duty also applies to marriage and civil partnership, but only in relation to (a) above.

54. Equalities aspects will be assessed in advance of the negotiation process. The EIA will be included as an appendix in the Gateway 2 report.

### **Health impact statement**

55. Nursing care provides professional care for those that can no longer live independently in their homes. The health and wellbeing of residents within the nursing home is a multi-disciplinary endeavour. The nursing home is the home

of residents with the presence of personal care and nursing professionals to meet their health and care needs with in-reach support from health services from the commissioned GP service, geriatrician of acute hospitals and the dementia care team from South London and Maudsley NHS Foundation Trust (SLAM).

### **Climate change implications**

56. The successful provider will be required to comply with the council's environment and sustainability policy and the delivery of the service and aims to reduce carbon emission as part of the council's 2030 target would form part of the review as part of climate action plan and on-going contract management.

### **Social Value considerations**

57. 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 wellbeing of the local area can be secured. The details of how social value will be incorporated within the tender are set out in the following paragraphs.

### **Economic considerations**

58. As set out in the community impact assessment (above) the award of the contract/s will continue to support the local economy. The service will have specialist dementia provision which will provide opportunities for career progression for care workers. Staff in the care home will be paid the London Living Wage (LLW) as part of the Southwark Residential Care Charter.
59. Local care homes provide employment opportunities for local people, with homes required to expand apprenticeship schemes as a condition of contract in line with the Council's "Southwark Apprenticeship Standard" target of one apprentice per £1m of expenditure.

### **Social considerations**

60. In addition to the creation of apprenticeships, the council will expect that care leavers – as part of Southwark's corporate parenting duties – will be encouraged and supported to apply for opportunities of employment with the provider.
61. Residential care providers create employment opportunities for local people. As part of service development there will be joint working by the provider with health and care professionals in training the care staff. There is commitment to improve the skills and expertise of their employees to deliver outcomes for residents.
62. During 2020, the average turnover of staff in residential care homes was 6.7% in London, this is lower than the social care sector average of 9.4%; as was

the turnover rate in care homes at 20% compared to the sector average of 30%. The Residential Care Charter will seek to reduce the turnover rate by requiring providers to recruit apprentices and retain them in the sector so that turnover reduces. This is particularly important in the care home sector, which has a relatively aging workforce compared to the wider sector with 31% of staff aged 55 or more years old.<sup>1</sup>

### **Environmental/Sustainability considerations**

63. The successful provider will be required to comply with the council's environment and sustainability policy and would review as part of climate action plan. Areas to be explored for inclusion are opportunities:

- To reduce carbon emissions
- To reduce waste
- To increase recycling for use of recyclable or reusable products
- For greener versions of staff transport.

### **Plans for the monitoring and management of the contract.**

64. The council's contract register publishes the details of all contracts over £5k in value to meet the obligations of the Local Government Transparency Code. The Report Author must ensure that all appropriate details of this procurement are added to the contract register via the eProcurement System.

65. The future contracts will be monitored through both the quality and performance team along with annual reviews in line with the contract standing orders as well as regular reviews of individual residents that will be undertaken by social workers.

### **Staffing/procurement implications**

66. The procurement will be carried out from existing staffing resources within the council's commissioning and social work teams, drawing upon technical support (such as legal, procurement, finance) from the council's existing resource.

### **Financial implications**

67. The council currently pays for nursing care home placements at TBCC and therefore award of contract would be sustaining these placements and there is currently budget in place to fund these placements.

68. The estimated expenditure for 2023/24 is £16m, this includes the TBCC expenditure. There is currently sufficient budget in place to fund the nursing care expenditure.

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<sup>1</sup> <https://www.skillsforcare.org.uk/adult-social-care-workforce-data/Workforce-intelligence/publications/regional-information/London/London.aspx>

69. The purchase of the nursing care home linked to this contract award activity gives the Council a direct interest in the sustainability of the nursing care home and may provide opportunity for reduced placement costs.

### **Investment implications**

70. None

### **Legal implications**

71. Please see concurrent from the Assistant Chief Executive (Governance and Assurance).

### **Consultation**

72. Residents and families as well as staff members have been informed about the transfer of the care delivery to a new provider. There will be regular meetings with residents and their families to keep them informed about the progress of the procurement process.
73. "I Statements" that form the core of the service specification were co-produced with care homes residents, their families, advocates and key multi-disciplinary leads.

### **Other implications or issues**

74. N/a

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Finance REF: [55EN202324]**

75. The Strategic Director of Finance notes the recommendations of this report to approve a procurement strategy for nursing care provision in Tower Bridge Care Centre. As addressed in the financial implications paragraph 67 and 68 there is budget in place to fund the nursing home placements.
76. It is important that weekly rate negotiations take into account the current budget envelope and the potential additional financial risk associated with maintenance costs of the ownership of the building.
77. The nursing care expenditure is part funded by Better Care Fund (BCF) and Improved Better Care Fund (IBCF) grants.

### **Head of Procurement**

78. This report seeks approval of the procurement strategy for nursing care provision in Tower Bridge Care Centre. It is noted that the procurement strategy will require separate negotiations with individual bidders, resulting in a single contract award for a period of ten years with an option to extend for a further five years (2+2+1) commencing 1 October 2024, to be approved

through a Gateway 2 report, and that the report further requests that Cabinet delegate the approval of the award of the contract, following the conclusion of the tender, to the Strategic Director for Children and Adult Services, in consultation with the Cabinet Member for Health and Wellbeing.

79. The nature and value (estimated to be in the region of £4.3M per annum) of the services to be procured dictates alignment with the Public Contracts Regulations 2015 (PCR 2015). In accordance with PCR 2015, the council must follow an advertised and competitive procurement process (detail of the proposed procurement approach and model is contained within paragraphs 20 – 32 and confirms alignment with PCR 2015 requirements). The services are not considered to be covered by the NHS Provider Selection Regime 2023 (PSR 2023) on account of the aforementioned nature of the services (local authority commissioned social care residential nursing as opposed to health care residential nursing). The report is also consistent with the council's Contract Standing Orders, which reserve decision to approve the recommendation to Cabinet following review at DCRB and CCRB.
80. Headline risks associated with the recommended procurement strategy are contained within table 4 at the end of paragraph 32.
81. Intended alignment with the Fairer Future Procurement Framework (FFPF) is explicitly referenced within table 4 at the end of paragraph 32, and the content of paragraphs 48 - 63 more generally.
82. Proposed methodology for performance/contract monitoring is detailed within paragraphs 64 - 65. The report also confirms that an annual performance review will be provided to the council's DCRB and CCRB in alignment with council Contract Standing Orders.
83. The Community, Equalities and Health Impact Statements are set out in paragraphs 48 - 55.
84. The Climate Change, Social Value, Economic and Environmental / Sustainability statements are set out in paragraphs 56 - 63.

**Assistant Chief Executive (Governance and Assurance) (SB08012024)**

85. This report seeks approval of the procurement strategy for nursing care provision in Tower Bridge Care Centre, which is required for the reason explained in paragraph 10. Approval is also requested to delegate the decision to award the contract, following the conclusion of the tender, to the Strategic Director for Children and Adult Services, in consultation with the Cabinet Member for Health and Wellbeing.
86. Due to the nature and estimated value of the service its procurement is subject to the Public Contracts Regulations 2015, which include various procurement route options. Whilst the Health Care Services (Provider Selection Regime) Regulations 2023 which came into force on 1 January 2024 regulate the procurement of certain health care services it is considered that they do not

apply in this instance since the proposed procurement comprises social care residential nursing commissioned by the council. As detailed from paragraph 20 the council's preferred option is to undertake a negotiated procedure which will commence with the publication of a notice on the UK Find-a-Tender portal for the purpose of inviting and attracting expressions of interest, and will comprise the further stages described in paragraph 24.

87. The procurement strategy proposed in this report is also consistent with the council's Contract Standing Orders, which reserve to Cabinet the decision to approve the report's recommendations, following consideration of the report by the Departmental and Corporate Contract Review Boards.
88. When making procurement decisions the council must consider and have due regard to any effects of the decision on the community at large and, in particular on people identified as possessing a "protected characteristic", as defined in the Equality Act 2010. Paragraph 54 notes that equalities aspects will be assessed in advance of the negotiation process and that an Equality Impact Assessment will be conducted and included as an appendix in the Gateway 2 report. In conducting such an exercise, the council will be able to demonstrate compliance with the Public Sector Equality Duty (PSED) contained in section 149 of the Act.

## BACKGROUND DOCUMENTS

Background Documents	Held At	Contact
Gateway Zero	Commissioning Directorate 4 <sup>th</sup> Floor, 160 Tooley Street London SE4 2QH	Genette Laws 020 752 53460
<b>Link:</b> <a href="http://moderngov.southwark.gov.uk/mgListPlanItems.aspx?PlanId=508&amp;RP=153">http://moderngov.southwark.gov.uk/mgListPlanItems.aspx?PlanId=508&amp;RP=153</a>		
CQC State of Care Report	Commissioning Directorate 4 <sup>th</sup> Floor, 160 Tooley Street London SE4 2QH	Genette Laws 020 752 53460
<b>Link:</b> <a href="https://www.cqc.org.uk/sites/default/files/2023-10/20231030_stateofcare2223_print.pdf">https://www.cqc.org.uk/sites/default/files/2023-10/20231030_stateofcare2223_print.pdf</a>		

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Evelyn Akoto, Health and Wellbeing	
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director of Children and Adult Services	
<b>Report Author</b>	Genette Laws, Director of Commissioning	
<b>Version</b>	Final	
<b>Dated</b>	25 January 2024	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance	Yes	Yes
Head of Procurement	Yes	Yes
Assistant Chief Executive (Governance and Assurance)	Yes	Yes
Director of Exchequer (For Housing contracts only)	N/a	N/a
<b>Contract Review Boards</b>		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		25 January 2024



<b>Item No.</b> 14.	<b>Classification:</b> Open	<b>Date:</b> 6 February 2023	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Ledbury Estate - Appropriation of Land for Planning Purposes	
<b>Ward:</b>		Old Kent Road	
<b>Cabinet Member:</b>		Councillor Helen Dennis, New Homes and Sustainable Development	

## **FOREWORD - COUNCILLOR HELEN DENNIS, CABINET MEMBER FOR NEW HOMES AND SUSTAINABLE DEVELOPMENT**

This report will help facilitate the renewal of the Ledbury Estate where we will be bringing forward 340 new homes, including 224 replacement council homes for estate residents. By temporarily appropriating the area identified in this report for development purposes (phase 1), the council aims to prevent the use of an injunction which could prevent this development with all of the associated benefits, from proceeding. This does not affect any right to compensation which may apply as a result of the development, but enables us to bring forward the new homes and estate works which are supported by residents, as set out in the conclusive results of the 2021 estate ballot.

I'm proud that Southwark Council is currently building the most council homes in England, with 3000 new council homes either delivered or on site. New homes on the Ledbury Estate are at the heart of this programme and I'm delighted to see phase 1 progressing.

## **RECOMMENDATIONS**

That Cabinet:

1. Confirms that the land shown outlined on the plan at Appendix A known as Phase 1 of the Ledbury Estate 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

3. Phase 1 of the Ledbury Estate is situated in a predominantly residential area with a variety of retail and industrial businesses nearby on the Old Kent Road. The council holds the freehold interest in the land within its Housing Revenue Account.
4. This report recommends the council appropriates for planning purposes the freehold land known as Phase 1 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 converted to a claim for compensation.
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 statutory mechanism to secure several of its housing development projects.
7. Cabinet should also note that the council has commissioned a Rights of Light Analysis Report to assess the potential effects of the development on any rights of light to some neighbouring properties and businesses outside the Estate and to those properties within the Estate that will be retained. There are some restrictive covenants and rights of statutory providers on the Estate that would also be interfered with. The risk of injunction means that the council should consider the use of its statutory powers to ensure that the development proceeds.
8. The course of action is recommended on the basis it will facilitate delivery of a development with significant public benefit; in the form of a full planning application for Phase 1 comprising the demolition of Bromyard House and the erection of three buildings at 6 storeys (Class C3), and 5 storeys and 14 storeys (Class C3) with associated parking, public realm, open spaces, landscaping and ancillary infrastructure.
9. Phase 1 works therefore, will affect residents of the Estate with the demolition of Bromyard House.
10. Demolition work commenced in February 2023 with construction scheduled to run from January 2024 to April 2026

### Phase 1 Summary Plan

<b>Work Stage</b>	<b>Commence</b>	<b>Complete</b>
Project Brief	Feb-21	
Planning Submission	Feb-22	08-Jun-22
GLA Approval		15-Dec-22
Demolition	27-Feb-23	24-Nov-23
Construction	10-Jan-24	16-Apr-26

<b>Work Stage</b>	<b>Commence</b>	<b>Complete</b>
<b>Completion and Handover</b>	<b>12-Feb-26</b>	<b>16-Apr-26</b>

## **KEY ISSUES FOR CONSIDERATION**

11. If the recommendations in this report are approved by Cabinet, the key impact will be that some third party owners benefitting from rights in the surrounding neighbourhood, and on the Ledbury Estate that are interfered with by the development, will no longer be able to apply to court for an injunction to stop the development. These owners will instead have the right to claim compensation if their rights are interfered with by the development.
12. Appendix B sets out further details of the rationale behind the recommendations in this report. Cabinet should note that:
  - a. The council owns the freehold of the land and it is now fully vacant.
  - b. The development of the site has full planning consent (reference number 22/AP/0554).
  - c. That the development behind the intention to appropriate for planning purposes will improve the economic, social and environmental well-being of the area.
  - d. That the appropriation will enable the development to proceed without interference from affected parties.
13. The course of action recommended is therefore proportionate and justified to secure proper planning of the area.
14. The report identifies a potential impact on rights of light on some properties in parts of Commercial Way and Ledbury Street. If the site is appropriated, owners, lessees or occupiers of any affected properties will be entitled to bring rights of light claims, but would not be able to obtain an injunction which could delay and even prevent the development from taking place.
15. Loss of daylight is subject to a legal test and compensation is assessed by way of established practice. Compensation is payable to residents (whether by agreement, by negotiation, or compulsion under s203 of the Housing and Planning Act 2016) who have their rights to light interfered with. However, it is incumbent upon all affected parties to prove to what extent their rights have been interfered with, and the level of compensation that may be attainable in the circumstances. Affected parties have the fees of their professional advisers paid by the council.

## **Appropriation Notice**

16. The land which is subject to appropriation for planning purposes shown outlined on the plan at Appendix A is land and buildings at Bromyard House and Land surrounding Bromyard House which is open space.
17. Before the council can appropriate land part of which is open space it must advertise its intention to do so by way of a public notice for two consecutive weeks in a local newspaper and it must consider any representations made as a result of the intention to appropriate. Public notices advertising the council's intention to appropriate the land appeared on the 14 December 2023 and 21 December 2023 in editions of Southwark News.
18. The deadline for receipt of representations or objections was 4:00pm on the 11 January 2024.
19. Cabinet should note that the council did not receive any representations or objections by this date.

## **Appropriations**

20. 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 stop the development.
21. This gives the council the certainty that having commenced construction, a person with the benefit of a registered or 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.
22. Another approach for the council would be to either not appropriate the site or 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.
23. 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.
24. 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.

25. 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 back to housing purposes as this is the most appropriate basis on which to hold the site.

### **Rationale for recommendations**

26. The recommendation is required for two reasons:
- 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**

27. The Council Plan was the subject of extensive community consultation. The recommendations herein furthers the delivery of the A Place to Belong commitment set out in the Plan.
28. 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.
29. 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.
30. 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.

31. If the recommendations set out are approved, the council will be able to proceed with the construction of the development comprising 80 new homes. An Equalities Analysis for the project has been undertaken and we will continue to review the impact on groups of people with protected characteristics.

### **Health Impact Statement**

32. 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.
33. Whilst it is not yet known who will be accommodated in the new homes, they will ultimately allow existing residents from the Estate to be rehoused as secure tenants or shared equity, shared ownership or equity loan options via a dedicated Ledbury Estate Local Lettings Policy, and to move into superior accommodation that should be beneficial to their health with a corresponding reduction in health service demands.

### **Climate Change Implications**

34. 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.
35. 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.
36. 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 buildings to mitigate as far as reasonably possible the adverse climate change implications arising from the proposed construction.
37. There are no identified impacts arising from appropriation.

### **Financial Implications**

38. 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

### Assistant Chief Executive – Governance and Assurance – NK – 07/12/2023

39. The report recommends the appropriation of council owned land for planning purposes, and thereafter, the appropriation of that land for housing purposes.
40. 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.
41. 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.
42. The land must be no longer required for the purpose for which it is currently held. The report confirms at paragraph 15 of Appendix B that the land is no longer required for housing purposes.
43. 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.
44. 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 45 are council homes for rent and 15 are shared equity, is capable of falling within all three categories.
45. 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).”*

46. 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.
47. 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.
48. 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 (H&M 23/071)

49. The strategic director of finance notes the recommendation to appropriate land as described in order to facilitate the development of new council homes and environmental improvements on the Ledbury 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. Further details in the closed report.

### BACKGROUND DOCUMENTS

Background Papers	Weblink
Council Plan 2022 - 2026	<b>Link (please copy and paste into browser):</b> <a href="https://moderngov.southwark.gov.uk/documents/s108711/Appendix%20%20Council%20Delivery%20Plan.pdf">https://moderngov.southwark.gov.uk/documents/s108711/Appendix%20%20Council%20Delivery%20Plan.pdf</a>
Planning documentation – available at link by inserting application number 22/AP/0554.	<b>Link (please copy and paste into browser):</b> <a href="https://planning.southwark.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application">https://planning.southwark.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application</a>

### APPENDICES

Appendix	Title
Appendix A	Phase 1 - Appropriation Plan at Ledbury Estate
Appendix B	Ledbury Estate - Rationale for Appropriation

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Helen Dennis, New Homes and Sustainable Development	
<b>Lead Officer</b>	Clive Palfreyman, Strategic Director of Finance	
<b>Report Author</b>	Marcus Mayne, Principal Surveyor, Sustainable Growth	
<b>Version</b>	Final	
<b>Dated</b>	25 January 2024	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	25 January 2024	

**APPENDIX A**

TITLE. Ledbury Estate, SE15.



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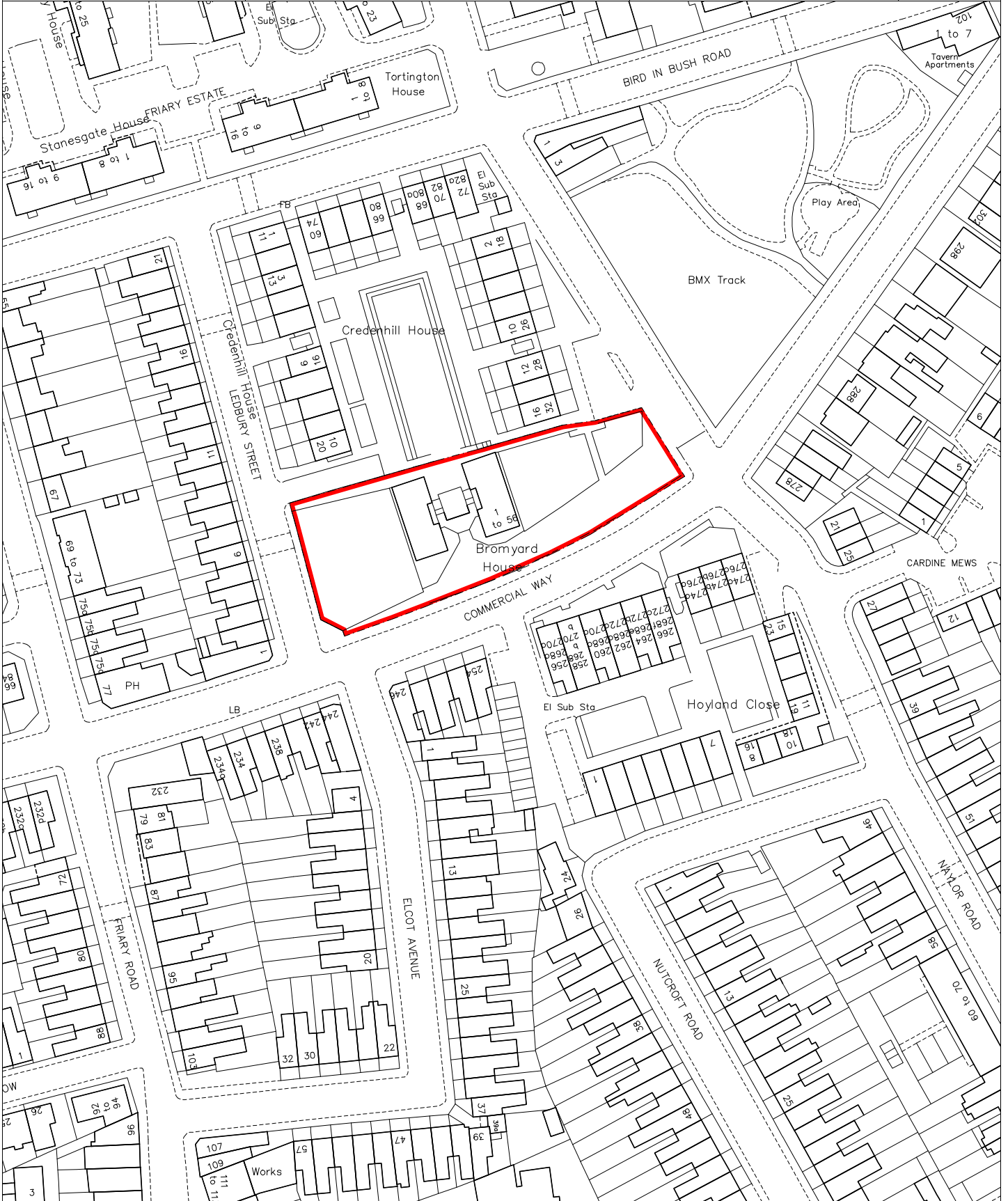
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## APPENDIX B

### Appropriation of Phase 1 land at Ledbury 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 Ledbury 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 Ledbury 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. As set out in the report, a rights of light report has been commissioned which provides details of the potential effect of the development on adjoining properties. However, some rights may not be apparent from inspection and historic ones may not always be recorded at the Land Registry. The application of the power to override rights contained in 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 Ledbury Estate for Planning Purposes**

11. As configured now, the Phase 1 land at the Ledbury Estate to be appropriated comprises 80 homes at Bromyard House. Planning consent has been secured for the development 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 development. 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 development 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 Ledbury 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 redevelopment 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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