

Meeting Name:	Cabinet
Date:	22 July 2024
Report title:	Response to Southwark Land Commission
Cabinet Member:	Councillor Helen Dennis, New Homes and Sustainable Development
Ward(s) or groups affected:	All
Classification:	Open
Reason for lateness (if applicable):	N/a

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

We established the Southwark Land Commission, the very first of its kind in London, as we wanted to reinvigorate discussions with partners about how we can work together to maximise social and environmental outcomes using land and property in Southwark. What followed was an immensely rich process and conversation, and the 25 proposals which were set out in the Land Commission report reflect this energy and diversity, with topics covered including thematic issues such as affordable housing and environmental sustainability, as well as cross-cutting issues relating to ownership and partnership.

The Land Commission report is very timely and comes as we are agreeing our wider Southwark 2030 agenda, on the back of wide consultation with residents and community partners. Over 2000 people took part in listening events and completed our survey, and we are now working to articulate all this input through a list of shared priorities, which can help underpin any 'social purpose framework' going forward.

Whilst the recommendations go beyond formal planning policy, they will also be considered as the Council produces additional guidance around implementation of the Southwark Plan and also undertakes its early review of the Plan to further take account of the Climate Emergency and our ambition for thriving neighbourhoods and town centres.

The council is very grateful to the Commissioners for all of the work that they undertook to produce their report, with special thanks to the Chair, Dr Miatta Fahnbulleh. It is our hope that many of them will stay engaged with us as we seek to develop some of the recommendations further and launch the proposed Southwark Land Partnership.

This report works through the Commission's 7 headline recommendations and 25 detailed proposals in turn to provide a comprehensive response from the Council. I am

pleased that the Council is able to respond positively to the majority of recommendations from the Commission and among other things, we will be moving forward to set up a Southwark Land Partnership, bring forward a plan for Affordable Workspace Hubs later this year, is announcing two initial Land Commission “pilot schemes” and will be extending Community Review Panels to cover additional neighbourhoods beyond the Old Kent Road. It is our hope that wider partners will also bring their own responses to the table and I have been very encouraged by conversations to date. This is very much a collective effort and with a larger number of land and property-owners bought into this work, we will be able to achieve a more significant impact.

RECOMMENDATIONS

Recommendations for the Cabinet

1. Agree to the series of actions set out the council’s draft response to the Southwark Land Commission report set out in Appendix 1 and the action plan set out in Appendix 2.
2. Agree that the finalisation of the wording and design of the council’s draft response to the Southwark Land Commission report prior to publication be delegated to the Cabinet Member for New Homes and Sustainable Development.
3. Agree that the Terms of Reference and membership of the Southwark Land Partnership be delegated to the Cabinet Member for New Homes and Sustainable Development.

REASONS FOR RECOMMENDATIONS

4. The responses to the Land Commission are drafted to take into account the current strategic, legal and financial context that the council is operating in. The recommendation builds on the invaluable work of the Land Commission and is intended to take forward a number of activities in a positive way.

ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

5. An alternative response of being more directional on issues such as the Social Purpose of Land Framework was discussed but it was considered that there is a real value in taking key stakeholders on the journey of policy development.

POST DECISION IMPLEMENTATION

6. Appendix 2 sets out a range of actions which are a direct result of this report. Periodic reports will be presented to Cabinet over the specific actions such as the Strategic Purpose of Land Framework.

BACKGROUND INFORMATION

7. On 12 September 2023, Cabinet received a report from the Land Commission. The Cabinet agreed to note the recommendations set out in Land for Good, the

Report of the 2023 Southwark Land Commission and that officers consider the recommendations set out the report and report back to Cabinet in early 2024.

KEY ISSUES FOR CONSIDERATION

8. The report set out a number of key Priority Actions for stakeholders to consider. Appendix 1 sets out the council response to each of these Priority Actions. The actions are summarised in the action plan in Appendix 2. The key priorities for action in the short term are:
9. **Southwark Land Partnership.** We have confirmed interest from relevant Land Commissioners and other key property stakeholders in attending a regular strategic meeting. Although the terms of reference need to be drafted, it is anticipated that the meeting would discuss common issues such as the Social Purpose of Land Framework, development of 'pilot sites', and decarbonisation of existing property.
10. **Social Purpose of Land Framework.** Meetings have taken place with a number of the Land Commissioners to develop this idea with a focus on developing a tool that will aid public land-owners in their decision-making. In order to progress discussions towards the drafting of this key document, the council is engaging specialist consultants to draft an options paper which will be subject to further discussion with stakeholders.
11. **Community Empowerment Fund.** One of the key actions was that the council should do more to empower local communities to take on and manage land and property. A meeting has taken place with a number of community organisations which have recently taken on council buildings, and Community Southwark, to discuss the type of support that may be appropriate. The next step is a wider event with other community organisations to discuss the issue. This discussion will inform the next steps.
12. **Pilot sites and Widening Participation.** The council has identified two sites – on Queens Road and Sandgate Street – as pilots for a wider community consultation on future land use. The Anglican Diocese of Southwark has identified Thorburn Square as a pilot. Other members of the Southwark Land Partnership will be requested to identify sites.
13. We will use these pilot sites to test different approaches to community engagement with a focus on broadening participation and engaging those who are often under-represented in conversations about land and planning. This will draw on our experience to date with the Old Kent Road Community Review Panel and the Aylesham Centre Community Forum (ACCF). In particular, the Cabinet Member for New Homes and Sustainable Development will work closely with the Cabinet Member for Leisure, Parks and Young People to bring forward proposals for deepening engagement with young people. We will continue to work with the community on existing projects in this space including Livesey Exchange, Kingswood Arts and Walworth Town Hall.
14. **Affordable Workspace.** The current policy is under review in order to maximise

the provision of affordable workspace. In recognition of the fact that in parts of the Borough, a subsidised workspace is still not affordable to a large number of small businesses the council is proposing to increase the number of in lieu payments that can be utilised to develop affordable workspace hubs. This position has already been agreed by Planning Committee in determining two schemes in Bankside.

15. **Affordable Housing.** The council seeks to maximise the provision of affordable housing in perpetuity particularly social rent. In addition to continuing the current council house building programme, we are exploring alternative ways of funding delivery. As set out in the report on Abbey Street elsewhere on the agenda of this meeting, we are taking forward proposals to deliver much needed homes for key workers. In addition, the Council will also be bringing forward a site on Scylla Road as a pilot residential Community Land Trust (CLT) and is supporting Peckham Citizens in the consideration of a Community Land Trust element of the Aylesham Centre development.

Policy framework implications

16. These are set out in the paragraphs above.

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

Community impact statement

17. It is considered that the actions set out in the draft Council response to the Southwark Land Commission report will have a positive impact on the community through promoting further engagement and improving access to council land and property.

Equalities (including socio-economic) impact statement

18. Section 149 of The Equality Act 2010 imposes a general equality duty on public authorities (the Public Sector Equality Duty)(“PSED”) in the exercise of their functions, to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
 - Foster good relations between people who share a relevant protected characteristic and people who do not share it.
19. For the purposes of the PSED the following are “protected characteristic” considerations:
 - Age
 - Marriage and civil partnership
 - Disability
 - Gender reassignment
 - Pregnancy and maternity

- Race
 - Religion or belief
 - Sex
 - Sexual orientation.
20. The PSED duty and implications for groups with protected characteristics will be considered further as the projects are developed and delivered.
21. An Equalities Impact and Needs Assessment report is attached as Appendix 3 to this report. The report highlights a range of positive impacts on those with protected characteristics that the actions set out in the draft Council response to the Southwark Land Commission report could bring about.

Health impact statement

22. The actions set out in the draft Council response to the Southwark Land Commission report address a number of identified health issues including access to nature and the Sustainable Food Strategy.

Climate change implications

23. The response set out in Appendix 1 includes a series of policy changes already underway which are in direct response to the Climate Emergency.

Resource implications

24. The staffing implications of the actions set out in the draft Council response to the Southwark Land Commission report will be contained within existing budgets. The financial implications of taking forward these actions will be addressed in future reports.

Legal implications

25. See the comments of the Assistant Chief Executive, Governance and Assurance below.

Financial implications

26. At present the financial implications of the actions set out in Appendix 1 and 2 are unknown. There are a number of actions which relate to work underway such as planning policy review and have limited additional cost apart from officer time. Actions relating to the Southwark Land Partnership can be accommodated within existing resources in Planning and Growth. Actions 1, 6 and 8 which relate to the Social Purpose Framework and disposals policy could reduce income to the council both in capital receipts and rental levels. The financial implications of action 9 will need to be considered as part of the Neighbourhoods work. These implications will be reported in future reports taking forward these key actions.

Consultation

27. As part of the drafting of this report, consultation with a number of the Land Commissioners has taken place with a particular focus on the Social Purpose of Land Framework. The draft response set out in Appendix 1 was circulated to the Land Commissioners for comment.
28. As part of the evolving work on community empowerment, discussions have taken place with a number of community organisations who have recently taken on council land and buildings.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive (Governance & Assurance) – NST210624

29. This report is for Cabinet to agree the Council's response and action plan to the recommendations to Land for Good, the Report of the 2023 Southwark Land Commission. There are no legal implications arising from agreeing the response.
30. There are likely to be legal implications and relevant statutory and policy frameworks to consider when officers implement the action points. These will include, but are not limited to, the duty to obtain best value either under section 123 Local Government Act 1972 or section 32 of the Housing Act 1985 (depending on whether or not the council holds the land in the Housing Revenue Account or General Fund). Similarly, any incorporation of social value into the Southwark Local Plan will need to meet the legislative and policy framework of producing and adopting a local plan.
31. Council Assembly on 14 July 2021 approved a change to the council's Constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This has been considered at paragraphs 18 - 23 above.
32. The Public Sector Equality Duty ("PSED") is set out at section 149 of Equality Act 2010 and requires the council to have due regard in the exercise of its functions (including decision making), to the need to:
 - a. Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - b. Advance of equality of opportunity between persons who share a relevant protected characteristics and those who do not share it;
 - c. Foster good relations between those who share a relevant characteristic and those that do not share it.
33. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

34. Officers have considered the council's PSED under section 149 of the 2010 Act at paragraphs 18-22 of this report and the Equalities and Impact Needs Analysis (EINA) at Appendix 3. Officers have concluded that, at this stage, the Council's response to the Southwark Land Commission report and the action plan not considered to have any adverse impacts on persons with protected characteristics.

Strategic Director of Finance (FIN24/13)

35. This report asks Cabinet to note the progress and agree to the series of actions set out in Appendix 1 and the action plan set out in Appendix 2.
36. That Cabinet agrees to delegate, the agreement of a Terms of Reference and membership of the Southwark Land Partnership to the Cabinet Member for New Homes and Sustainable Development.
37. That the finalisation of the detail of Appendix 1 prior to publication be delegated to the Cabinet Member for New Homes and Sustainable Development.
38. There are no immediate financial implications arising from this report however, some of the recommendations will have financial implications that would need to be considered as part of future reports and decisions of Cabinet, addressing any funding requirements and the source of such funding.
39. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Land For Good Cabinet 12 September 2023 (item 9)	Title of department / unit Address Planning and Growth	Name Phone number Neil Kirby
Link: Agenda for Cabinet on Tuesday 12 September 2023, 11.00 am - Southwark Council (item 9)		

APPENDICES

No.	Title
Appendix 1	Land Commission Council Response
Appendix 2	Land Commission Action Plan
Appendix 3	Equalities Impact Assessment

AUDIT TRAIL

Cabinet Member	Councillor Helen Dennis, New Homes and Sustainable Development	
Lead Officer	Clive Palfreyman, Strategic Director of Finance	
Report Author	Neil Kirby, Head of Sustainable Growth	
Version	Final	
Dated	9 July 2024	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		9 July 2024