

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> December 15 2009	<b>Meeting Name:</b> Executive
<b>Report title:</b>		Deputation Requests	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## RECOMMENDATIONS

1. That executive consider whether or not to hear a deputation from the Burgess Park Action Group in respect the Aylesbury Area Action Plan.
2. That executive consider whether or not to hear a deputation request from the Tenants Council in respect of the item on Varying Southwark's Conditions of Tenancy.

## BACKGROUND INFORMATION

3. When considering whether to hear the deputation request, executive can decide to
  - Receive the deputation at this meeting or a future meeting; *or*
  - That the deputation not be received; *or*
  - Refer the deputation to the most appropriate committee/sub-committee.
4. A deputation shall consist of no more than six people, including its spokesperson. Only one member of the deputation shall be allowed to address the meeting for no longer than 5 minutes. After this time members may ask questions of the deputation for up to 5 minutes. At the conclusion of the questions, the deputation will be shown to the public gallery where they may listen to the remainder of the open section of the meeting.
5. Any relevant resource or community impact issues will be contained in the comments of the strategic director.

## KEY ISSUES FOR CONSIDERATION

### **Burgess Park Action Group – Aylesbury Area Action Plan**

6. A deputation request has been received from the Burgess Park Action Group in respect of Aylesbury Area Action Plan setting out a number of comments and suggested amendments in respect of the Aylesbury Area Action Plan.
7. The detail of this submission is set out in appendix A, a letter from the Burgess Park Action Group.

## **Tenants Council – Varying Southwark’s Conditions of Tenancy**

8. Tenants Council have identified a number of concerns over the handling of the consultation with tenants as well as on several of the proposals as follows:
  - “A number of tenants did not receive the Preliminary Notice of Variation, resulting in an Area Housing Forum (AHF) sending a motion on the matter to Tenant Council - which then was omitted from the agenda.
  - The Preliminary Notice of Variation (PNV) delivered to some properties only contained a brief summary of each proposed change, rather than its specific wording and the effect thereof, as required by Section 103(2)(b) Housing Act 1985 (as noted by Southwark Group of Tenants Organisations in its application to the Overview and Scrutiny Committee).
  - The officers’ reports to Area Housing Forums and Tenant Council an early tenancy agreement review (ahead of the ten-yearly review due in 2013) was justified solely on the basis of changes to legislation and Council policy. However the review contents were more wide-ranging than merited by those considerations. When this discrepancy was put to housing management at Tenant Council on 30<sup>th</sup> November tenant representatives were told the authority always had emphasised the 2004 Tenancy Agreement as a whole was ‘out of date’. However the initial tenancy agreement review papers did not state this, contrary to the “presumption in favour of openness” in the Constitution, Article 1.3(f).
  - Tenant representatives at different tenancy agreement review meetings requested independent legal advice but housing management and housing resident involvement took no action to help deliver this.”

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Comments from the Strategic Director of Regeneration and Neighbourhoods – Aylesbury Area Action Plan**

9. The changes suggested by the deputation were presented to the planning inspector at the examination in public held in Sept 2009. At that time, the inspector considered the submission but chose not to make changes in his report issued in Oct 2009.
10. The council have to accept the planning inspector's binding recommendations as set out in paragraph 23 (2) and (3) of the Planning regulations 2004. Any changes, other than those the council are directed to make, to the publications/submission version that was considered by the inspector will mean the council cannot adopt the Area Action Plan.
11. The council has no reason not to adopt as per the inspector's report, the Area Action Plan has been deemed sound and in accordance with all statutory requirements. If the council do not adopt the Area Action Plan we would need to start the entire process again, which will have serious implications in the regeneration of the Aylesbury Estate.
12. Further implications of not adopting the Area Action Plan are as follows:

- If the council did not adopt the AAP that has local support we would need to explain why we have not taken the local opinions into account
- It has been considered sound by a planning inspector and we would need to explain why we did not consider this an important enough issue to adopt
- The council would lose the confidence of the HCA and funders over provision of new affordable and private housing with knock on effects for securing money to build new housing
- There would be reputational issues

13. Any party aggrieved by the adoption has the remedy of an appeal to the High Court within 6 weeks of the adoption on limited grounds, namely (i) it is not within the council's powers and / or (ii) that a procedural requirement/s has not been complied with (e.g. Sustainability Analyses, consultation).

### Comments from the Strategic Director of Environment and Housing – Varying Southwark’s Conditions of Tenancy

14. To follow

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Correspondence from the Astbury Road Area Residents Association/Tenants Council	160 Tooley Street London SE1	Everton Roberts 020 7525 7221 / Paula Thornton 020 7525 4395

### APPENDICES

No.	Title
Appendix A	Letter from Burgess Park Action Group November 20 2009

### AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Team Manager	
<b>Report Author</b>	Paula Thornton, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	December 3 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Finance Director	No	No
Strategic Director of Regeneration and Neighbourhoods	Yes	Yes

Strategic Director of Environment and Housing	Yes	To follow
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>		December 7 2009