



Mr Jerry Flynn
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Simon Bevan
Director of Planning
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Our ref.:583183

Your ref

28th January 2016

Dear Mr Flynn

May I thank you for your recent correspondence with the Council regarding the provision of affordable housing (AH) units in the Borough. Southwark Council takes its social responsibilities very seriously and a very robust position with all developers when seeking to secure the maximum benefit for our residents, particularly via Section 106 agreements.

In the matter of AH units, the council has longstanding relationships with a number of Registered Providers (RP) on its approved list. These RPs are also registered with the Homes and Communities Agency and have satisfied strict selection criteria . Developers are strongly advised to partner with the RPs on this list when delivering affordable housing in Southwark and the Council is entitled to expect that these responsible organisations provide the product they agree to, i.e. that they provide the number of AH units that they have said they will and that that are legitimately maintained as such.

To address your specific question regarding AH provision at the Bermondsey Spa development, I would like to direct you to the minutes of the Council Assembly of 25th November 2015, at which Councillor Adele Morris put the following question to the Leader:

'Can the Leader update us on the situation with the 44 new social rent homes to be provided by Notting Hill Housing Trust that should have been included in The Exchange development at Bermondsey Spa?'

In response, the Leader stated that...

'The council has investigated the alleged breach of the Section 106 Agreement on The Exchange development and has taken legal advice. As a result the council will not be taking any further action on this matter.

However, the Notting Hill Housing Trust has undertaken to deliver more affordable housing of the types that meet the urgent needs of the borough on other sites. For example, they have improved the offer of affordable housing on the Manor Place Depot site so that 34 units that were previously intended to be affordable rent set at 56.7% of market rent for 1 bed units and 61.6% of market rent for 2 bed units (inclusive of service charges), capped at Local Authority Housing Allowance Levels, will now be social rented accommodation where the rent levels are determined through the national rent regime.

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We are working with Notting Hill Housing Trust to identify ten additional social rent homes elsewhere in the borough.'

There are rare occasions when the Council has become aware of potential breaches of the AH provider's obligations. Where this is found to be the case, those responsible are pursued through the courts, with a desire to return assets to their lawful use. The Council is currently taking legal advice in respect of a number of developments, where AH provision was secured via a s106 Agreement, but the units in question have since passed to the open market, in circumstances which the Council believes to be unlawful. It is hoped that these units will be returned to the correct use and that other parties will be deterred from similar breaches in future.

I believe that Southwark Council has appropriate safe guards in place and has not failed in its duties, although we are grateful for all suggestions which aim to improve our service. To this end, we are looking to implement further mechanisms to maintain the provision of AH for the residents of Southwark..

Decision

Therefore, your complaint is not upheld.

Southwark actively uses customer feedback to improve our services and I sincerely hope that you will have no further cause for complaint. However, if you would like to discuss anything further, please contact me directly on 020 7525 5506 or email simon.bevan@southwark.gov.uk.

You may also wish to escalate your complaint to stage two of the Council's complaint process. At stage two, an Investigator will review your complaint on behalf of the director of the department and aim to respond to you within 20 working days of receipt. If they are not able to respond to you within this timeframe they will keep you informed of progress.

So that we can investigate your complaint fully at stage two, it would be helpful if you outlined the reason for your dissatisfaction at stage one and quote the following reference number ~ 583183.

To escalate your complaint, please contact the Stage 2 Complaints Team on CCU@southwark.gov.uk, 020 7525 2209 or by post: Stage two Complaints Team, Corporate Complaints Unit, PO BOX 64529, London SE1P 5LX.

Kind regards etc

Yours sincerely



Simon Bevan

Director of Planning

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Chief executive's department

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