

From: ***** <*****@southwark.gov.uk>
Sent: Wednesday, April 26, 2023 2:33 PM
To: ***** <*****@southwarklawcentre.org.uk>;
***** <*****@southwark.gov.uk>

Subject: RE: Complaint about loss of social housing without delegated authority

Dear *****,

We have looked again at the section 106 agreement for Gutenberg Court which was signed in 2011. We note that unfortunately there is no specific requirement in this document to provide affordable housing to be let on social rent terms. Most other agreements where Social Housing is in place have clear wording to that effect. We have therefore concluded that there is no clear breach of the section 106 agreement and no basis to take enforcement action in this instance. The matter has been raised with the Housing Association who are not willing to alter the status because they are complying with the terms of this agreement.

This particular case is long standing and when initially raised with us there was a complaint that a proper system of monitoring affordable housing did not exist. That complaint has been independently investigated by the Local Government Ombudsman who concluded that a proper system of monitoring affordable housing does exist, the details of which are set out on the Southwark website. Where our audit and monitoring has identified units in breach of S106 agreements, the situation has been brought to the attention of Housing Associations who in some cases have agreed to transfer tenancies back to social rented terms. Where required, the council is also pursuing enforcement action.

The Gutenberg Court case relates to 9 units of accommodation, and whilst every unit does indeed matter and must be followed up, it is encouraging that our monitoring of affordable housing has located 3480 socially rented units provided through section 106 agreements, over and above the 2047 units required by agreements. Thank you for being in touch on this and if you have concerns about any other cases relating to potential breaches of affordable housing requirements, please do not hesitate to contact me.

Kind regards
