



**COUNCIL ASSEMBLY
(ORDINARY MEETING)**

MINUTES of the Open section of the meeting of the COUNCIL ASSEMBLY held on Wednesday 21st July 2004 at 7.00 p.m. at the Town Hall, Peckham Road, London SE5 8UB

PRESENT:

The Worshipful the Mayor Councillor Anne Yates

Councillor Alfred Banya	Councillor Dermot McInerney
Councillor Mick Barnard	Councillor Kenny Mizzi
Councillor Beverley Bassom	Councillor Abdul Mohamed
Councillor Paul Bates	Councillor Alison Moise
Councillor Columba Blango	Councillor Catriona Moore
Councillor Catherine Bowman	Councillor Vicky Naish
Councillor David Bradbury	Councillor Graham Neale
Councillor Denise Capstick	Councillor Gavin O'Brien
Councillor Fiona Colley	Councillor Dr. Abdul Rahman Olayiwola
Councillor Toby Eckersley	Councillor Michelle Pearce
Councillor Stephen Flannery	Councillor Caroline Pidgeon
Councillor John Friary	Councillor Richard Porter
Councillor Norma Gibbes	Councillor Lisa Rajan
Councillor Mark Glover	Councillor Tony Ritchie
Councillor Aubyn Graham	Councillor Lewis Robinson
Councillor James Gurling	Councillor William Rowe
Councillor Barrie Hargrove	Councillor Jane Salmon
Councillor Alun Hayes	Councillor Andrew Simmons
Councillor Jeffrey Hook	Councillor Tayo Situ
Councillor David Hubber	Councillor Robert Skelly
Councillor Kim Humphreys	Councillor Robert Smeath
Councillor Jonathan Hunt	Councillor Charlie Smith
Councillor Peter John	Councillor Nicholas Stanton
Councillor Billy Kayada	Councillor Richard Thomas
Councillor Paul Kyriacou	Councillor Dominic Thorncroft
Councillor Jelil Ladipo	Councillor Veronica Ward
Councillor Lorraine Lauder	Councillor Neil Watson
Councillor Linda Manchester	Councillor Sarah Welfare
Councillor Eliza Mann	Councillor Lorraine Zuleta

1. PRELIMINARY BUSINESS
1.1 ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE EXECUTIVE OR CHIEF EXECUTIVE

The Mayor announced that the following six individuals associated with Southwark had received honours in the 2004 Queen's Birthday honours:-

- Ms Docherty, Director of Nursing and Operations, King's College Hospital received a Dame Commander of the Order of the British Empire for services to the NHS;
- Professor Wilson, Dean and Head of Guy's, Kings and St Thomas' Dental Institute, King's College received a Commanders of the Order of the British Empire for his service to Dentistry and Healthcare Regulation;
- Former Southwark Councillor George Byfield received an M.B.E. for service to his local community in Milton Keynes;
- Mr. John Henson received an M.B.E for services to the Diocese of Southwark;
- Mrs. Marjorie Moore received an M.B.E for services to Guy's Hospital and finally
- Ms Susan Saunders, Senior Assistant Secretary, King's College received an M.B.E for services to Higher Education.

The Mayor further announced:-

- That the Environment and Leisure Department had successfully secured £3.9 million from the Heritage Lottery Fund to restore Dulwich Park;
- That for the second year running Southwark had won the Highest Inner London Borough trophy at the London Heathrow Youth Games – Europe's largest youth sports event;
- That the Environment & Leisure Department were finalists in the 2004 Municipal Journal Streetscene Achievement of the Year Awards for their approach to tackling litter and street cleanliness;
- That Southwark Legal Services were finalists in the Municipal Journal public sector team of the year award and in the top three award winners of the "Lawyer" Magazine awards in the same category;
- That Southwark Primary Care Trust had been awarded two stars. The maximum is three stars and there are currently no three star Primary Care Trusts in London, only ones and zeros, therefore two was very commendable.

Valerie Shawcross, the newly re-elected London Assembly member for Lambeth and Southwark, was welcomed to the meeting. Thereafter the meeting congratulated Councillor Mark Glover on his recent marriage and wished Councillor Richard Porter a happy birthday.

1.2 NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

The Mayor agreed to accept the following reports as late and urgent:-

- Deputation Request from the Black Awareness Group
- Public question from the Black Awareness Group

- Deputation Request from East Dulwich Community Centre Association
- Item 8.1 : Public Interest Report – Audit Commission Act 1998 – on the Award of Planning Permission at 295 – 297 Camberwell New Road and 299 Camberwell New Road.

1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillors John Friary and Tony Ritchie declared a personal and prejudicial interest in Item 8.1. Public Interest Report – Audit Commission Act 1998 – on the Award of Planning Permission at 295 – 297 Camberwell New Road and 299 Camberwell New Road.

The following Members also declared an interest in Item 8.1 Public Interest Report – Audit Commission Act 1998 – on the Award of Planning Permission at 295 – 297 Camberwell New Road and 299 Camberwell New Road:-

Councillors Jonathan Hunt – declared a non-prejudicial interest due to having had contact with the appellants;

Councillor Vicky Naish – declared non-prejudicial interest due to having had contact with the appellants;

Councillor David Bradbury – declared that he did not consider that he had a prejudicial interest despite being named in the District Auditor’s report.

Councillor Aubyn Graham – declared a non-prejudicial interest due to having had contact with the appellants;

Councillor Peter John – declared a non-prejudicial interest due to having had contact with the appellants;

Councillor Norma Gibbes – declared a non-prejudicial interest due to having had contact with the appellants;

Councillor Alfred Banya – declared a non-prejudicial interest due to having had contact with appellants;

Councillor Dermot McInerney -- declared a non-prejudicial interest as named in the District Auditor’s report;

Councillor Andy Simmons – declared a non-prejudicial interest due to having had contact with appellants.

1.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Dora Dixon-Fyle, Mark Pursey, Danny McCarthy and Ian Wingfield.

2. MINUTES

RESOLVED: That the Minutes of the meeting held on 26 May 2004 be agreed and signed as a correct record.

3. PETITIONS

The Mayor accepted a petition from Councillor Lorraine Lauder concerning the Aylesbury Day Centre, a summary of which has been referred to the Executive Member for Health & Adult Care and the Strategic Director of Social Services.

4. QUESTIONS FROM THE PUBLIC (see page 1)

Three members of the public (Mr. Kinrade, Mr. Whatley and Ms Hinton) asked a supplemental question of the Chair of Planning and the Leader of the Council, a summary of which is attached as Appendix 1 to these minutes.

5. DEPUTATION REQUEST (see pages 2 – 10)

5.1 DEPUTATION FROM DARREN BURNS CONSULTANCY ON BEHALF OF DISABLED RESIDENTS OF SOUTHWARK

The deputation request was withdrawn.

5.2 DEPUTATION FROM BACC 84 TENANTS AND RESIDENTS ASSOCIATION

Council Assembly agreed to accept the deputation. Members were addressed by the deputation's spokesperson, following which Councillors Abdul Mohamed and Lorraine Lauder asked questions of the deputation. Thereafter the deputation withdrew to the public gallery.

5.3 DEPUTATION FROM SOUTHWARK MIND

Council Assembly agreed to accept the deputation. Members were addressed by the deputation's spokesperson, following which Councillors Paul Bates, Aubyn Graham and Caroline Pidgeon asked questions of the deputation.

At 8.20 p.m. the meeting adjourned in order to allow members of the deputation to leave the chamber. The meeting reconvened at 8.30 p.m.

5.4 DEPUTATION FROM EAST DULWICH COMMUNITY CENTRE ASSOCIATION

Council Assembly agreed to accept the deputation. Members were addressed by the deputation's spokesperson, following which Councillors Sarah Welfare and Aubyn Graham asked questions of the deputation. Thereafter the deputation withdrew to the public gallery.

At this juncture the Mayor agreed to vary the order of business in order to consider item 11.1 (please see item 11.1 below).

5.5 DEPUTATION FROM IMPERIAL GARDENS

Council Assembly agreed to accept the deputation. Members were addressed by the deputation's spokesperson, following which Councillors Billy Kayada, Jonathan Hunt and Dr. Abdul Rahman Olayiwola asked questions of the deputation. Thereafter the deputation withdrew to the public gallery.

At this juncture the Mayor agreed to vary the order of business in order to consider item 8.1 (please see item 8.1 below).

At 9.56 p.m. the meeting adjourned to allow clarification to be sought on an amendment to item 8.1. The meeting reconvened at 10.20 p.m.

6. QUESTIONS FROM MEMBERS (see pages 11 – 17)

One urgent question was submitted by Councillor Peter John to the Executive

Member for Housing and Community Safety, the content of which was noted.

Thirty-six questions were submitted and answers circulated around the chamber, the content of which were noted.

At 11.10 p.m. the Clerk announced that the guillotine had fallen.

7. REPORTS FOR RECOMMENDATION FROM THE EXECUTIVE

7.1 ANNUAL REVIEW OF EDUCATION DEVELOPMENT PLAN 2 (see pages 18 – 53 and appendices supplemental, pages 1 – 119)

Councillor Bob Skelly, Executive Member for Education, formally moved the recommendations contained within the report.

The substantive motion was put to the vote and declared to be carried.

RESOLVED: That the report and the progress that has been made in implementing the Education Development Plan 2 be approved.

7.2 SOUTHWARK YOUTH JUSTICE PLAN – ANNUAL UPDATE REPORT 2004/05 (see pages 54 – 58 and appendices supplemental, pages 120 – 172)

Councillor Catherine Bowman, Deputy Leader, formally moved the recommendations contained within the report.

The substantive motion was put to the vote and declared to be carried.

RESOLVED: That the Annual Update 2004/05 of the Southwark Youth Justice Plan 2002/05 be approved.

7.3 STATEMENT OF ACCOUNTS 2003/04 (see pages 59 – 61 and appendices supplemental, pages 173 – 229)

Councillor Lorraine Zuleta, Executive Member for Resources, formally moved the recommendations contained within the report.

Councillor Michelle Pearce, seconded by Councillor Andy Simmons, moved Amendment A.

Following Councillor Lorraine Zuleta's right of reply Amendment A was put to the vote and declared to be lost.

Following debate (Councillor Toby Eckersley), the substantive motion was put to the vote and declared to be carried.

RESOLVED: That the Statement of Accounts 2003/04 be approved and signed by the Mayor.

At 11.40 p.m. the meeting adjourned for refreshments, reconvening at 11.50 p.m.

7.4 REPORTS FOR INFORMATION - REPORT BACK ON CONSIDERATION OF MOTIONS REFERRED FROM COUNCIL ASSEMBLY (see pages 62 – 70)

Questions and answers were circulated at the meeting on motions 1 and 4, the contents of which were noted.

RESOLVED: That the report be noted.

8. REPORT FROM THE OVERVIEW & SCRUTINY COMMITTEE

8.1 PUBLIC INTEREST REPORT – AUDIT COMMISSION ACT 1998 – ON THE AWARD OF PLANNING PERMISSION AT 295 – 297 CAMBERWELL NEW ROAD AND 299 CAMBERWELL NEW ROAD (see Supplemental Agenda No.1, pages 118 - 231)

Councillors John Friary and Tony Ritchie declared a personal and prejudicial interest in this item and withdrew from the meeting during the debate and vote on the subject.

Three questions and answers were circulated at the meeting. Councillor Jonathan Hunt asked a supplemental question of Councillor Kim Humphreys, Chair of Overview & Scrutiny Committee, the content of which is attached as Appendix 2 to these minutes.

Councillor Kim Humphreys, Chair of Overview & Scrutiny Committee, moved the recommendations contained within the report.

Councillor Columba Blango, seconded by Councillor Lisa Rajan moved Amendment A.

Following debate (Councillors Billy Kayada, Robert Smeath, Toby Eckersley, Norma Gibbes, Dr. Adbul Rahman Olayiwola, Jonathan Hunt, Michelle Pearce, Alfred Banya and Alun Hayes), Councillor Kim Humphreys exercised his right of reply.

Amendment A was put to the vote and declared to be carried.

In accordance with Council Assembly Procedure Rule 1.17 (5) the following members requested that their abstentions on Amendment A be recorded in the minutes:- Councillors David Bradbury, Toby Eckersley, Kim Humphreys, Kenny Mizzi, Lewis Robinson and William Rowe.

With the consent of the meeting Councillor Peter John altered Amendment B as set out below; thereafter Councillor Tayo Situ seconded Amendment B:-

on the 7th line insert 'by means of a public enquiry' between 'independent body' and 'which shall'.

Following debate (Councillors Paul Bates and Nick Stanton), Amendment B was put to the vote and declared to be lost.

In accordance with Council Assembly Procedure Rule 1.17 (5) the following members requested that their votes in favour of Amendment B be recorded in the minutes:- Councillors Alfred Banya, Mick Barnard, Paul Bates, Fiona Colley, Norma Gibbes, Mark Glover, Barrie Hargrove, Alun Hayes, Peter John, Billy Kayada, Lorraine Lauder, Dermot McInerney, Abdul Mohamed, Vicky Naish, Michelle Pearce, Andy Simmons, Tayo Situ, Robert Smeath, Charlie Smith, Dominic Thorncroft, Veronica Ward and Sarah Welfare.

Following debate (Councillors David Bradbury and Andy Simmons), the substantive motion was put to the vote and declared to be carried.

In accordance with Council Assembly Procedure Rule 1.17 (5) the following member requested that his abstention on the substantive vote be recorded in the minutes: Councillors Toby Eckersley.

- RESOLVED:**
1. That the response to the District Auditor's Public Interest Report on the Award of Planning Permission at 295 – 297 Camberwell New Road and 299 Camberwell New Road proposed by the Strategic Director of Regeneration and the improvement plan, which are set out at Appendix 1 to the report, be noted and approved.
 2. That the following recommendations contained in the report of Scrutiny which are set out in Appendix 2 to the report, be agreed:-
 - a. That Council Assembly accepts the findings of the District Auditor and apologises to the directors of THK Entertainments Ltd for the failings identified in the District Auditors and Local Ombudsman's report.
 - b. That the Council as a whole, including elected members, should accept its own share of responsibility for the events that have led to the District Auditor's and Local Government Ombudsman's report.
 - c. That Council Assembly urges all parties to take the necessary steps to identify and resolve the legal issues as soon as possible. The Executive and Directors of THK Entertainments Limited to take all necessary steps to expedite the process in line with the strategy recommended by Nabarro Nathanson in their advice.
 3. That the other recommendations contained in the report of Scrutiny be referred to the Executive or officers as stated in the recommendations.
 4. That in order to satisfy Members and the public that best practice is being followed by Southwark, Council Assembly requests the Executive to consider the appointment of an independent person of national standing to conduct an objective review of the Council's equality and diversity framework.

Note: The recommendations stand referred to the Executive or officers as stated in the recommendations for consideration.

8.2 ANNUAL SCRUTINY REPORT (see pages 71 – 92)

Five questions and answers were circulated around the chamber. Councillors Andy Simmons and Barrie Hargrove each asked a supplemental question of the Chair of

Overview & Scrutiny Committee, the content of which are included in Appendix 2 to these minutes.

Councillor Kim Humphreys, Chair of Overview & Scrutiny Committee, formally moved the recommendations contained within the report.

The substantive motion was put to the vote and declared to be carried.

RESOLVED: That the Scrutiny Annual Report 2003/04 be received.

9. REPORTS FROM THE STANDARDS COMMITTEE

9.1 SOUTHWARK ALLIANCE : DELEGATION OF DECISION MAKING POWERS TO COUNCIL ASSEMBLY (see pages 93 – 105)

Councillor David Hubber, Vice-Chair of the Standards Committee, formally moved the recommendations contained within the report.

Councillor Lewis Robinson, seconded by Councillor Toby Eckersley, moved Amendment A.

Following debate (Councillor Peter John), Councillor David Hubber exercised his right of reply.

Amendment A was put to the vote and declared to be carried.

Following debate (Councillor Kim Humphreys), the substantive motion was put to the vote and declared to be carried.

- RESOLVED:**
1. That the proposed amendments to the Constitution on the matters reserved to Council Assembly in relation to the Southwark Alliance that are outlined in paragraph 6 and paragraph 11 of the report be noted.
 2. That it be noted that Standards Committee considered the proposed amendment recommended by Officers (in paragraph 11 of the report) to transfer the power to appoint the third Council representative to the Council Assembly, but that it did not recommend that this amendment be made.
 3. That Council Assembly notes the advice from officers in the report. However Council Assembly has made clear its view on the appointment of council representatives on the Alliance Board on several occasions. Council Assembly therefore reiterates its request for the Southwark Alliance to amend its standing orders and requests the Leader of the Council to raise this matter again at the next meeting and inform the Southwark Alliance Executive in writing that until this matter is resolved the Alliance will not enjoy the confidence of the majority of elected members in the borough in its governance.

10. OTHER REPORTS

10.1 REPORT OF THE SPECIAL URGENCY PROVISION (see pages 106 – 109)

RESOLVED: That the report be noted.

11. MOTIONS FROM MEMBERS

11.1 MOTION NO.1 – EAST DULWICH COMMUNITY CENTRE (see pages 111 – 112)

Councillor Sarah Welfare, seconded by Councillor Charlie Smith, moved the motion.

Councillor William Rowe, seconded by Councillor Kim Humphreys, moved Amendment A.

Following debate (Councillors Norma Gibbes, Aubyn Graham, Richard Porter and Caroline Pidgeon), Councillor Sarah Welfare exercised her right of reply.

Amendment A was put to the vote and declared to be carried.

In accordance with Council Assembly Procedure Rule 1.17 (5) the following members requested that their votes against Amendment A be recorded in the minutes:- Councillors Alfred Banya, Mick Barnard, Paul Bates, Fiona Colley, Norma Gibbes, Mark Glover, Barrie Hargrove, Alun Hayes, Peter John, Billy Kayada, Lorraine Lauder, Dermot McInerney, Abdul Mohamed, Vicky Naish, Michelle Pearce, Andy Simmons, Tayo Situ, Robert Smeath, Charlie Smith, Dominic Thorncroft, Veronica Ward and Sarah Welfare.

The substantive motion was put to the vote and declared to be carried.

RESOLVED: 1. That it be noted that:

- The East Dulwich community centre is an essential community resource for people in East Dulwich and Peckham Rye; is used by people of all ages, ethnic groups and religious faiths; has been run by volunteers for over two decades; and includes the only outside space for young people to use in East Dulwich;
 - The Executive have put forward plans to dispose of the site and, as part of a private development, build housing on the site and flats over a re-built community centre that would retain a third of the existing outside play space;
 - At the May Dulwich Community Council many members of the public strongly opposed incorporating housing on to this site.
2. That Council calls upon the Executive to note the unanimous resolution of the Dulwich Community Council of 18th May 2004 and in particular:
- that residents are concerned about the community

- centre and housing being in the same building
- that the Executive should foster a community led initiative
- that the timetable should be delayed by six months to allow proper consideration of practical solutions.

Note: The above recommendation stands referred to the Executive for consideration.

11.2 MOTION NO.2 - ROTHERHITHE FOOTBRIDGE (see pages 112 – 113 and Supplemental Agenda No.1, pages 232 - 234)

The motion was withdrawn.

11.3 MOTION NO.3 – PRIMARY SCHOOL PROVISION IN THE NORTH DULWICH AREA (see page 113)

The motion was withdrawn.

11.4 MOTION NO.4 – FRIENDS OF PARKS GROUPS (see pages 113 – 115)

Councillor Barrie Hargrove, seconded by Councillor Michelle Pearce, moved the motion.

Following debate (Councillor Richard Thomas), the motion was put to the vote and declared to be lost.

12. ADJOURNMENT DEBATES (see pages 116 – 117 and Supplemental Agenda No. 1)

12.1 The following Councillors were selected in the ballot for Adjournment Debates for 15th September 2004:-

1. Councillor Mark Pursey
2. Councillor Dr. Abdur-Rahman Olayiwola
3. Councillor Norma Gibbes
- 1st Reserve - Councillor Robert Smeath
- 2nd Reserve – Councillor Ian Wingfield
- 3rd Reserve – Councillor Jonathan Hunt

12.2 Adjournment Debate No.1

Proposed by Councillor Alfred Banya (Community hall and parking facilities in and around Brookstone Court, SE15) but not taken at this meeting.

12.3 Adjournment Debate No.2

Councillor Charlie Smith proposed that Parking Attendants be more flexible and compassionate with car owners when dealing with illegally parked cars in Lordship Lane. Councillor Richard Thomas, Executive Member for Environment & Transport, responded by explaining that as the service was self funding it therefore placed pressure on the attendants to raise revenue. He ended by stating that the service is due to be reviewed and that Councillor Smith's comments would be noted.

The meeting closed at 12.10 a.m.

MAYOR:

DATED: