



## Council Assembly (Ordinary Meeting)

MINUTES of the Council Assembly (Ordinary Meeting) held on Wednesday 1 December 2010 at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

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### PRESENT:

The Worshipful the Mayor for 2010/11, Councillor Tayo Situ (Chair)

Councillor Kevin Ahern	Councillor Lorraine Lauder MBE
Councillor Anood Al-Samerai	Councillor Richard Livingstone
Councillor James Barber	Councillor Linda Manchester
Councillor Columba Blango	Councillor Eliza Mann
Councillor Catherine Bowman	Councillor Catherine McDonald
Councillor Michael Bukola	Councillor Tim McNally
Councillor Denise Capstick	Councillor Darren Merrill
Councillor Sunil Chopra	Councillor Victoria Mills
Councillor Poddy Clark	Councillor Michael Mitchell
Councillor Fiona Colley	Councillor Jonathan Mitchell
Councillor Neil Coyle	Councillor Abdul Mohamed
Councillor Robin Crookshank Hilton	Councillor Adele Morris
Councillor Patrick Diamond	Councillor Helen Morrissey
Councillor Dora Dixon-Fyle	Councillor Graham Neale
Councillor Nick Dolezal	Councillor Wilma Nelson
Councillor Toby Eckersley	Councillor David Noakes
Councillor Gavin Edwards	Councillor Paul Noblet
Councillor John Friary	Councillor the Right Revd Emmanuel Oyewole
Councillor Dan Garfield	Councillor Lisa Rajan
Councillor Mark Gettleson	Councillor Lewis Robinson
Councillor Norma Gibbes	Councillor Martin Seaton
Councillor Mark Glover	Councillor Rosie Shimell
Councillor Stephen Govier	Councillor Andy Simmons
Councillor Renata Hamvas	Councillor Michael Situ
Councillor Barrie Hargrove	Councillor Althea Smith
Councillor Helen Hayes	Councillor Cleo Soanes
Councillor Claire Hickson	Councillor Nick Stanton
Councillor Jeff Hook	Councillor Geoffrey Thornton
Councillor David Hubber	Councillor Veronica Ward
Councillor Peter John	Councillor Ian Wingfield
Councillor Paul Kyriacou	

## **1. PRELIMINARY BUSINESS**

### **1.1 ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE**

The Mayor announced the following:

- Dr Andrew Harris, has been appointed as the new coroner for London Inner. He will begin work in January 2011 as Coroner for the four boroughs of South Greenwich, Lambeth, Lewisham and Southwark.
- The Right Reverend Christopher Chessun, has been appointed as the new Bishop of Southwark.
- The sad death of:
  - The Dean of Southwark Cathedral, The Very Reverend Colin Slee, who passed away at home last week.
  - Carlos DeNobrega who was well known to Southwark's Mayors as chauffeur for the last 13 years. Carlos also provided services to most council departments.

Councillor Ian Wingfield, deputy leader and cabinet member for housing management, made a statement on the Marie Curie fire.

### **1.2 NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT**

The Mayor announced that the following documents had been circulated:

- Late deputation request from the Creation Trust on the Aylesbury Estate
- Late motion and late amendment on the withdrawal of private finance initiative (PFI) funding for regenerating the Aylesbury Estate
- Late motion – King's Stairs Gardens site of importance for nature conservation (SINC) status.

At this juncture Councillor Nick Dolezal, seconded by Councillor Cleo Soanes, moved that under council assembly procedure rule 1.11 (m), the relevant rules be suspended in order that the late deputation request, late motions and late amendment could be considered. The relevant rules are set out as follows:

- Council assembly procedure rule 2.6(7) - Deadline for receipt of deputations
- Council assembly procedure rule 2.9 (3 & 4) - Notice for motions and amendments to be delivered
- Council assembly procedure rule 2.6(4) - Scope of deputations
- Council assembly procedure rule 2.6(7) - Variation in the order of business to enable the deputation to be considered after public question time
- Council assembly procedure rule 1.5(b) - Variation in the order of business in order to allow the motion to be considered after the late deputation.

The procedural motion was agreed.

### **1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Members made the following declarations:

#### **10. Late Motion - Withdrawal of private finance initiative (PFI) funding for regenerating the Aylesbury Estate**

Councillors Abdul Mohamed, Dan Garfield and Fiona Colley declared a personal and non prejudicial interest in this item as they are members of the Creation Trust.

Councillor Martin Seaton declared a personal and non prejudicial in this item as he lives on the Aylesbury Estate.

### **1.4 APOLOGIES FOR ABSENCE**

Apologies for lateness were received on behalf of Councillor Robin Crookshank-Hilton.

## **2. MINUTES**

*Report: See supplemental agenda 1, pages 1-39*

#### **RESOLVED:**

That the minutes of the meeting held on 20 October 2010 be agreed as a correct record, subject to a typographical change on page 14, item 14 to read "Barrie Hargrove".

## **3. PUBLIC QUESTION TIME**

There were no questions from the public.

## **4. PETITIONS**

There were no petitions.

## **5. DEPUTATION REQUESTS**

*Report: See pages 1-2 of supplemental agenda 2*

#### **Late Deputation Request from Creation Trust on the Aylesbury Estate**

Council assembly considered whether to receive the deputation request from Creation Trust.

#### **RESOLVED:**

That the late deputation be received.

The deputations spokesperson, Jean Bartlett, addressed the meeting.

Councillors Abdul Mohamed, Paul Noblet, Fiona Colley and Martin Seaton asked questions of the deputation.

The meeting then debated the late motion on the withdrawal of private finance initiative (PFI) funding for regenerating the Aylesbury Estate (see item 10).

## **6. MEMBERS' QUESTION TIME**

*Report: See pages 1-6 of the main agenda, page 1 of the blue paper and pages 1–19 of the yellow pages circulated at the meeting*

There was one urgent question to the leader, the written answer to which was circulated on blue paper at the meeting. The leader answered a supplementary question. The answers to both questions are attached as Appendix 1 to the minutes.

There were 44 members' questions, the written responses to which were circulated on yellow paper. There were 14 supplementary questions, the answers are attached as Appendix 2 to the minutes.

## **7. OTHER REPORTS**

### **7.1 TREASURY MANAGEMENT- MID-YEAR UPDATE 2010/11**

*Report: See pages 7-15 of the main agenda*

In accordance with council assembly procedure rule 2.10(2) the Mayor formally moved the recommendation contained within the report.

The recommendation contained within the report was put to the vote and declared to be carried.

#### **RESOLVED:**

That the mid-year 2010/11 treasury management update be noted.

### **7.2 REVISION OF THE PETITIONS SCHEME**

*Report: See pages 16-25 of the main agenda*

In accordance with council assembly procedure rule 2.10(2) the Mayor formally moved the recommendation contained within the report.

Councillor David Hubber, seconded by Councillor Columba Blango, moved Amendment A.

Following debate (Councillors Peter John, Anood Al-Samerai, Nick Dolezal, Abdul Mohamed and Michael Mitchell), Amendment A was put to the vote and declared to be lost.

Following debate (Councillors David Hubber, Helen Morrissey and Nick Dolezal), the

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

**RESOLVED:**

That the petition scheme attached as Appendix 1 to the report be agreed.

**7.3 CONSTITUTIONAL ISSUES ARISING FROM SOUTHWARK DEMOCRACY COMMISSION REVIEW OF THE ROLE OF COUNCIL ASSEMBLY AND OTHER CONSTITUTIONAL ISSUES**

*Report: See pages 26-86 of the main agenda*

In accordance with council assembly procedure rule 2.10(2) the Mayor formally moved the recommendations contained within the report.

Following debate (Councillors Toby Eckersley, Paul Noblet, Lisa Rajan, Peter John, Anood Al-Samerai, Abdul Mohamed, Nick Dolezal, Lewis Robinson, Jonathan Mitchell, John Friary, Columba Blango, Mark Glover, Adele Morris and Richard Livingstone), the recommendations were put to the vote and declared to be carried.

The Mayor advised that having established the council assembly business panel, each political group was invited to nominate a representative to the panel. The following nominations were taken from the floor:

- Labour Group – Councillor Nick Dolezal
- Liberal Democrat Group – Councillor Catherine Bowman
- Conservative Group – Councillor Michael Mitchell.

**RESOLVED:**

1. That the constitutional changes recommended by the constitutional steering panel arising from council assembly's recommendations of 20 October 2010 in relation to the report of the Democracy Commission be adopted:
  - 1) That a council assembly business panel be established to improve how agendas are planned.
  - 2) That the changes to Part 30: Panels of the constitution be agreed, as set out in Appendix 2 of the report.
  - 3) That the proposed changes to council assembly procedure rules as set out in Appendix 3 of the report, including the specific issues described in paragraphs 22 to 30 of the report (and as outlined below), be agreed:

**Broadcasting and recording (CAPR 1.7)**

1. That the rule on audio recording be relaxed and that the change be reviewed in the future, if necessary.
2. That the legal briefing (see Appendix 4 of the report), together with the

experiences of other local authorities form the basis on which to develop a protocol on the issues involved.

**Interjections - Rules of Debate (CAPR 1.12 (27 & 28))**

3. That due to the issues raised by this change, officers be requested to take another look at this subject before it is reconsidered by the constitutional steering panel.

**Informal session - Order of business at ordinary council assembly meetings (CAPR 2.2)**

4. That a short addition on the informal session be included in the rule on the order of business of ordinary meetings. The rule should state that it would not be obligatory for members to attend.

**Public question time and deputations (CAPR's 2.5 and 2.6)**

5. That the deadline for receipt of public questions and deputations be reduced to three clear working days.

**Deputations speaking rights(CAPR 2.6 (14))**

6. That the current time limit of 5 minutes be maintained.

**Members' Questions (CAPR's 2.7 and 2.8)**

7. That an additional supplemental question for the leader of the opposition be applied to urgent questions only.
8. That the order of members' questions be varied so that the questions on behalf of each community council be taken after the leader followed by cabinet members and then others.

**Deadlines**

9. That for a daytime or Saturday meeting the deadlines for amendments, questions on reports and urgent questions be brought forward by one clear working day.
10. That the operation of this rule be something that is kept under review.
2. That the constitutional changes recommended by the constitutional steering panel to amend the role and function of the standards committee set out below, be adopted:

'To provide strategic oversight on the use of the powers regulated by the Regulation of Investigatory Powers Act 2000 and to receive reports on operational use at least once a quarter'.

3. That officers be authorised to undertake any consequential and cross referencing changes arising from recommendations 1 and 2.

4. That the nominations of Councillors Nick Dolezal, Catherine Bowman and Michael Mitchell to the council assembly business panel be noted.

## 8. MOTIONS

At this juncture Councillor Catherine Bowman, seconded by Councillor Tim McNally, moved that under council assembly procedure rule 1.11 (m), the relevant rules be suspended in order to allow a single debate on motions 1 and 2 respectively. The relevant procedure rules are as follows:

- Council assembly procedure rule 1.12(4) and 1.12(12) – Only one amendment may be moved and discussed at any one time.

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

### 8.1 MOTION 1: HOUSING SOLUTIONS FOR SOUTHWARK

*Report: See pages 88-89 of the main agenda*

Councillor Anood Al-Samerai, seconded by Councillor Linda Manchester, moved the motion.

Councillor Claire Hickson, seconded by Councillor Dan Garfield, moved Amendment B.

Councillor Paul Noblet, seconded by Councillor Tim McNally, moved Amendment C.

Following debate (Councillor Ian Wingfield, Nick Stanton and Stephen Govier), the bell was rang and the Mayor announced that the guillotine had fallen at 10.04pm.

Amendment B was put to the vote and declared to be carried. As a consequence the first part of Amendment C relating to paragraph 5 of the motion fell.

Revised Amendment C was put to the vote and declared to be lost.

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

#### RESOLVED:

1. That council assembly regrets that too many families have been forced into often poor quality private rented accommodation by the failure over the past 25 years to build sufficient affordable social housing.
2. That council assembly notes the ever increasing and unsustainable housing benefit bill and the notes government's plans to tackle this.
3. That council assembly notes that plans to reform housing benefit were also in the Labour manifesto and notes the Mayor of London's comments that this would lead to "Kosovo style social cleansing".
4. That council assembly notes the concern of many residents about the proposed

changes to social housing tenures and to some of the proposed changes to housing benefit.

5. That council assembly notes the impact on Southwark of these changes are likely that:
  - The reduction of the local housing allowance in October 2011 leads to households losing as much as £57.53 a week, and this could lead to nearly 5,000 private sector tenants looking for council accommodation
  - This reduction widens over following years as the indexation of housing benefit shifts from the retail price index to the typically lower consumer price index
  - The reduction is further compounded by the penalisation of those who have been unable to find employment for a year
  - This reduction is further compounded by deductions for non-dependents who still live in the home, the deductions being introduced despite increasing barriers to entry to the housing market for young people
  - Demand for housing in Southwark increases markedly as housing benefit claimants are forced to leave even more expensive parts of London like Westminster and Camden.
6. That council assembly believes that it is inconceivable that these changes will not lead to repossession, homelessness and enforced home moves in Southwark, as the number of homes that are affordable for residents living on housing benefits decreases and the number of people competing for those homes increases.
7. That council assembly expresses particular concern that new tenants will not be offered traditional secure tenancies which provide stability, support family networks and can improve social cohesion.
8. That council also expresses its concern that the government grants to build future affordable homes are to be cut by some 50%.
9. That council assembly fully supports the rights of secure tenants to live in their council home for as long as they wish, but believes the council should look at new ways of tackling under-occupancy of homes to make better use of existing council stock.
10. That council assembly believes that government's aims to tackle high rents charged by private landlords through a reduction in the local housing allowance may harm families rather than unscrupulous landlords.
11. That council assembly calls on the cabinet to investigate whether rent capping in the private rented sector could be a positive way of achieving the government's aim of reducing the overall housing benefit bill.
12. That whilst council assembly supports the principle that people should work if they are able, members are concerned that in light of the current economic climate and employment market the government should rethink plans to reduce by 10% housing benefit for those claiming jobseekers allowance for more than 12 months.
13. That council assembly calls on the cabinet to write to government to:



- oppose the changes to secure tenancies
  - oppose plans to measure local housing allowance at the 30<sup>th</sup> percentile rather than the median
  - oppose plans to remove 10% of housing benefit from those who have been claiming jobseekers allowance for more than 12 months given the current state of the employment market
  - support a housing benefit solution for London, as suggested by Simon Hughes MP, which understands the particular needs and market in London
  - investigate the possibility of land value taxation or introducing rent control in some parts of the private rented sector
  - fulfil promises of allowing local authorities to make their own decisions about new housing and rents for new and existing tenancies
  - co-ordinate a cross party response to the government's housing consultation.
14. That council assembly calls upon all of Southwark's MPs to oppose the proposed changes to secure tenancies, the change in the local housing allowance measure and to specifically vote against the proposal to cut housing benefit by 10% after a year of unemployment when the Bill comes before the House of Commons.

**Note:** This motion will be referred as a recommendation to the cabinet for consideration.

## 8.2 MOTION 2: SOUTHWARK LIFE

*Report: See page 89 of the main agenda*

The guillotine having fallen, Councillors Michael Mitchell and Lewis Robinson, formally moved and seconded the motion.

Councillors Mark Glover and Helen Morrissey, formally moved and seconded Amendment D.

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

The Mayor advised that Amendment E had fallen as Amendment D had been agreed.

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

### **RESOLVED:**

1. That council assembly notes that the current format of Southwark Life was determined by the previous Liberal Democrat/Tory coalition.
2. That council assembly notes that the format and frequency of Southwark Life is under review as part of the budgeting process with all other communications services.

**Note:** This motion will be referred as a recommendation to the cabinet for consideration.

## 8.3 MOTION 3: COMMITTING TO LOCALISM

*Report: See page 89 of the main agenda*

The guillotine having fallen, Councillors Adele Morris and Graham Neale, formally moved and seconded the motion.

Councillors Peter John and Darren Merrill, formally moved and seconded Amendment F.

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

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

**RESOLVED:**

1. That council assembly notes that the Localism Bill has not yet been published and believes that the coalition's proposals are as yet unclear.
2. That council assembly calls on the cabinet to fully investigate any new powers that the local authority is afforded as part of the bill and implement them as appropriate.

**Note:** This motion will be referred as a recommendation to the cabinet for consideration.

**9. AMENDMENTS**

The amendments are set out in Supplemental Agenda 2.

**10. LATE MOTION - WITHDRAWAL OF PRIVATE FINANCE INITIATIVE (PFI) FUNDING FOR REGENERATING THE AYLESBURY ESTATE**

*Report: See supplemental agenda 2, pages 9-10*

Following a variation in the order of business, the late motion was considered prior to the guillotine having fallen. The meeting had heard a deputation from the Creation Trust on the Aylesbury Estate (see item 5).

Councillor Fiona Colley, seconded by Councillor Lorraine Lauder, moved the late motion.

Councillor Nick Dolezal made a point of order, stating that the Labour group would accept the late amendment with the following alteration:

Delete all after "Aylesbury Estate".

The mover and seconder of the late amendment, Councillors Paul Noblet and Tim McNally, were supportive of the suggested change to the late amendment. The meeting consented to the revision to the late amendment. Thereafter the revised late amendment was moved and seconded.

Following debate (Councillors Anood Al-Samerai, Peter John, Michael Bukola, Mark Glover, Poddy Clark, Dan Garfield and Catherine Bowman), Councillor Fiona Colley exercised her right of reply.

The revised late amendment was put to the vote and declared to be carried.

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

**RESOLVED:**

1. That council assembly notes the bitterly disappointing news that the coalition government has decided to withdrawn £181 million of private finance initiative (PFI) funding for building new homes for Aylesbury Estate residents.
2. That council assembly notes the continued cross-party support for the regeneration of the Aylesbury Estate.
3. That council assembly notes that the leader has written to the Prime Minister and Secretary of State for Communities and Local Government inviting them to the Aylesbury Estate to see the impact the withdrawal of funding will have.
4. That council assembly notes that the first new homes on site 1a (formerly Red Lion Close and Little Bradenham) will be complete early in the new year and that the continued development of this site and the plans to redevelop sites 7 and 10 (Amersham and North Wolverton) are unaffected by the withdrawal of PFI funding.
5. That council assembly is determined that the withdrawal of the PFI funding will not mean the end of the regeneration of the Aylesbury Estate, and reaffirms its commitment to work with local residents and Creation Trust to transform the area.
6. That council assembly requests that the cabinet calls on the government to change its decision or to provide an alternative funding mechanism.
7. That council assembly calls on the cabinet to continue to rehouse residents from sites 1b and 1c (Bradenham, Chartridge, Arlow and Chiltern) and to explore all possible alternative options for taking the regeneration of the Aylesbury forward.

**Note:** This motion will be referred as a recommendation to the cabinet for consideration.

**11. LATE MOTION - KING'S STAIRS GARDENS SITE OF IMPORTANCE FOR NATURE CONSERVATION (SINC) STATUS**

*Report: See paper circulated at the meeting*

The guillotine having fallen, Councillors Fiona Colley and Nick Dolezal, formally moved and seconded the late motion.

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

**RESOLVED:**

1. That on 4 November 2009 council assembly agreed the submission version of the core strategy which included a new designation of King's Stairs Gardens as a Site of Importance for Nature Conservation (SINC). This version of the core strategy was then submitted to the planning inspector and subject to examination in public.

Following this, on 27 January 2010 council assembly agreed the submission version of the Canada Water Area Action Plan for examination by a planning inspector.

2. That council assembly notes that the inspector's report and final version of the core strategy is still to be received and that there have been some indications that the inspector may not approve new site specific designations as being appropriate for inclusion in the core strategy. It has been indicated that he may be decided that such designations would be more appropriately made in development plan documents (DPDs).
3. That council assembly notes that the submission version of the Canada Water Area Action Plan (a DPD) is due to undergo examination in public in the new year after the inspector's report on the core strategy is received.
4. That it was anticipated at the time of the submission of the Canada Water Area Action Plan that the designation of King's Stairs Gardens as a SINC would be accepted by the inspector of the core strategy. In the eventuality of King's Stairs Gardens not being designated as a SINC in the inspector's report, council assembly calls on the cabinet member for regeneration and corporate strategy to write to the planning inspector asking for King's Stairs Gardens to be designated as a SINC within the Canada Water Area Action Plan and to make similar representations for the inclusion of any other new and amended site designations within the Canada Water AAP area which were agreed by council assembly in the submission version of the core strategy.

**Note:** This motion will be referred as a recommendation to the cabinet for consideration.

The meeting closed at 10.10pm.

**CHAIR:**

**DATED:**