

Item No. 4.2	Classification: Open	Date: 6 April 2011	Meeting Name: Council Assembly
Report title:		Motions	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

BACKGROUND INFORMATION

The councillor introducing or “moving” the motion may make a speech directed to the matter under discussion. This may not exceed five minutes¹.

A second councillor will then be asked by the Mayor to “second” the motion. This may not exceed three minutes without the consent of the Mayor.

The meeting will then debate the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may make a concluding speech, known as a “right of reply”. If an amendment is carried, the mover of the amendment shall hold the right of reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.

The Mayor will then ask councillors to vote on the motion (and any amendments).

IMPLICATIONS OF THE CONSTITUTION

The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and allocates to the cabinet responsibility for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. Therefore any matters that are reserved to the cabinet (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the cabinet. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the cabinet:

- to change or develop a new or existing policy
- to instruct officers to implement new procedures
- to allocate resources.

Note: In accordance with council assembly procedure rule 2.10 (7) & (8) (prioritisation and rotation by the political groups) the order in which motions appear in the agenda may not necessarily be the order in which they are considered at the meeting.

¹ Council assembly procedure rule 1.14 (9)

1. MOTION FROM COUNCILLOR LEWIS ROBINSON (Seconded by Councillor Toby Eckersley)

Please note that, in accordance with council assembly procedure rule 2.10 (6), council assembly shall consider this motion.

Repayment of Major Works Charges by Leaseholders

Council assembly notes:

1. Southwark Council currently offers leaseholders a number of repayment options when major works (a charge for large one-off works to a block or an estate) are due on their property for which they are liable. These include a “voluntary charge” payable upon sale of the property, and an interest free repayment period of between 12 and 36 months. The council’s preferred option is repayment in 12 monthly instalments (Home Owners Guide)
2. The interest free repayment offer of 36 months is fairly standard across London local authorities, although some do offer a longer period of 48 months.

Council assembly believes:

3. A well planned programme of this type of work across the borough would ensure that all required works are carried out with good notice, and scheduled so that leaseholders are able to make adequate provision and plan ahead financially over a number of years.
4. There have been an increasing number of examples however, of the council failing to achieve this. For example, the council may have to carry out emergency major works following health and safety issues identified in an inspection, or a fire safety notice has been served. In some cases, the programme of works has just been poorly planned.
5. This can and has resulted in several major works programmes taking place in one financial year on an estate, and is highly likely to cause considerable financial hardship to leaseholders. Many on fixed or low incomes are unable to meet the increased costs or able to plan ahead, and given the current state of the housing market, offsetting costs against equity is an increasingly unviable option.
6. The council, while acknowledging that circumstances, and the legal position, may differ from block to block and lease to lease, also believes that further information is required about the obligation of leaseholders to make contributions towards the remedying of fire safety defects

Council assembly therefore requests cabinet:

7. That where exceptional circumstances occur, and the council is required to carry out more than one programme of major works on an individual estate in one financial year, the current repayment schedule of 36 months will be extended to 48 months so that those affected leaseholders are better placed to budget for the additional financial burden.
8. That when such a situation arises the council informs affected leaseholders this further option is available to them.

9. That definitive advice on leaseholder duties in respect of all types of request for contributions for remedying of fire safety defects be obtained.

Note: If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

2. MOTION FROM COUNCILLOR ROSIE SHIMELL (Seconded by Councillor Jeff Hook)

Please note that, in accordance with council assembly procedure rule 2.10 (6), council assembly shall consider this motion.

Secondary School in SE16

1. Council assembly recognises the urgent need for more secondary school places in Rotherhithe and Bermondsey.
2. Council assembly requests the cabinet to:
 - 1) Welcome the government's funding for a new school in SE16
 - 2) Demonstrate commitment for a new school in SE16
 - 3) Work with local people, existing schools and colleges, and the local MP and councillors to make urgent progress

Note: If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

3. MOTION FROM COUNCILLOR IAN WINGFIELD (Seconded by Councillor Gavin Edwards)

Please note that, in accordance with council assembly procedure rule 2.10 (6), council assembly shall consider this motion.

Secure Tenancies

1. Council assembly notes that Southwark is the largest local authority social landlord in London with 45,000 tenants and homeowners in the borough.
2. Council assembly notes the proposal in the Conservative/Liberal Democrat government's Localism Bill to end the right to a secure tenancy for council and housing association tenants, and restrict the rights of tenants to complain directly to the housing ombudsman.
3. Council assembly notes that Labour has tried to remove these provisions from the Localism Bill but that Liberal Democrat MPs voted with the Conservatives to keep them within the bill.
4. Council assembly regrets the government's proposal to issue fixed-term tenancies of just two years that will force tenants in Southwark to go through an assessment of their income and family circumstances after just eighteen months in their home which will act as a disincentive to get a better job, could force couples to leave their family home once their children leave home and do not include a right to improve homes or a right to pass on the tenancy to a child, live-in carers or siblings.
5. Council assembly is deeply concerned at the lack of clarity from the Tory-led government regarding the rights of existing social tenants in Southwark to a secure tenancy if they move to a new council or housing association property.

6. Council assembly also notes that along with their cuts to council house building, housing benefit and their plan to introduce rents of up to 80% of local market rents, and reduce funding for the decent homes programme, this is an attack on the fundamental principles of decent, secure and affordable public housing.
7. In the circumstances council assembly praises the Southwark Labour administration's ambition to make every council home warm, safe and dry.
8. Council assembly calls upon the cabinet and the relevant cabinet members:
 - To lobby Simon Hughes MP to vote against this proposal in the House of Commons and not abstain
 - To seek clarification from the government regarding the proposals to force council tenants to move if their income increases.

Note: If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

4. MOTION FROM COUNCILLOR ANOOD AL SAMERAI (Seconded by Councillor Paul Noblet)

Please note that, in accordance with council assembly procedure rule 2.10 (6), council assembly shall consider this motion.

Cabinet Priorities

1. Council assembly is concerned that the cabinet is making the wrong choices for Southwark residents
2. Council assembly requests the cabinet to urgently address its failings in the following areas:
 - 1) The failure to deliver what residents deserve at the Elephant and Castle, including the failure to secure a green energy scheme and lower energy costs for local people, to provide comprehensive sporting facilities in the proposed leisure centre and to fully redevelop the shopping centre.
 - 2) The lack of progress towards or political interest in reducing the borough's carbon emissions and tackling climate change.
 - 3) The failure to understand and commit to a new school in SE16.
 - 4) The strategy of playing party politics with council funding, and sidelining and forcing closure of voluntary sector groups through its budget choices rather than using, then replenishing in later years, the council's sizable reserves.

Council requests that these areas form the basis of any future corporate plan.

Notes

1. In accordance with council assembly procedure rule 1.11 (Previous decisions and motions) parts 2(1) relating to the Elephant and Castle leisure centre and 2(4) seek to rescind a decision of council assembly within the previous six months. For council assembly to debate these parts of the motion a notice signed by 16 councillors must be received four clear working days in advance of the meeting i.e. Midnight, Wednesday 30 March 2011.
2. If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

BACKGROUND PAPERS

Background Papers	Held At	Contact
Member Motions	Constitutional Team 160 Tooley Street London SE1 2TZ	Sean Usher 020 7525 7222

Lead Officer	Ian Millichap, Constitutional Manager
Report Author	Sean Usher, Constitutional Officer
Version	Final
Dated	25 March 2011