



COUNCIL ASSEMBLY
(ORDINARY MEETING)

MINUTES of the OPEN section of the meeting of the COUNCIL ASSEMBLY
– ORDINARY MEETING held on WEDNESDAY 30TH OCTOBER 2002 at
7.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB

PRESENT:

The Worshipful the Deputy Mayor Councillor Danny McCarthy (in the Chair)

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| Councillor Margaret Ambrose | Councillor Abdul Mohamed |
| Councillor Alfred Banya | Councillor Alison Moise |
| Councillor Michael Barnard | Councillor Catriona Moore |
| Councillor Beverley Bassom | Councillor Vicky Naish |
| Councillor Paul Bates | Councillor Graham Neale |
| Councillor Columba Blango | Councillor Gavin O'Brien |
| Councillor Catherine Bowman | Councillor Dr. Abdur-Rahman Olayiwola |
| Councillor David Bradbury | Councillor Michelle Pearce |
| Councillor Fiona Colley | Councillor Caroline Pidgeon |
| Councillor Dora Dixon-Fyle | Councillor Richard Porter |
| Councillor Toby Eckersley | Councillor Mark Pursey |
| Councillor Stephen Flannery | Councillor Lisa Rajan |
| Councillor John Friary | Councillor Tony Ritchie |
| Councillor Norma Gibbes | Councillor Lewis Robinson |
| Councillor Mark Glover | Councillor Abdul Mohamed |
| Councillor Aubyn Graham | Councillor Andrew Simmons |
| Councillor James Gurling | Councillor Tayo Situ |
| Councillor Barrie Hargrove | Councillor Charlie Smith |
| Councillor Alun Hayes | Councillor Bob Skelly |
| Councillor Jeffrey Hook | Councillor Nick Stanton |
| Councillor David Hubber | Councillor Richard Thomas |
| Councillor Kim Humphreys | Councillor Dominic Thorncroft |
| Councillor Jonathan Hunt | Councillor Veronica Ward |
| Councillor Peter John | Councillor Neil Watson |
| Councillor Billy Kayada | Councillor Sarah Welfare |
| Councillor Paul Kyriacou | Councillor Ian Wingfield |
| Councillor Jelil Ladipo | Councillor Anne Yates |
| Councillor Lorraine Lauder | Councillor Lorraine Zuleta |
| Councillor Dermot McInerney | |
| Councillor Eliza Mann | |
| Councillor Kenneth Mizzi | |

41. PRELIMINARY BUSINESS

In the absence of the Mayor, the Head of Administrative Services reminded Members that Council Procedure Rule 3.2 (i) required Council Assembly to elect a person to preside if the Mayor were not present and the Deputy Mayor was not chosen to preside. It was moved, seconded and

RESOLVED: That in the Mayor's absence Councillor Danny McCarthy, Deputy Mayor, should Chair the meeting.

41.2 ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE EXECUTIVE AND CHIEF EXECUTIVE

The Deputy Mayor encouraged all Members to participate in the Mayor's Charity football match on 12th November 2002.

The Deputy Mayor stated that Councillor Lorraine Lauder had been absent at the previous Council Assembly meeting where tributes had been paid to former Councillor Alf Langley, therefore she would address the meeting at this juncture.

Council Assembly agreed to allow Councillor Lorraine Lauder to pay tribute to former Councillor Alf Langley.

41.3 NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT

The Deputy Mayor agreed to accept the following items as late and urgent for the reasons as set out in the reports:

- Item 45.4 Nomination of Trustees to the Corporation of Wardens and to the Borough Market, Southwark.
- Concurrent reports to item 46 – Motions submitted in accordance with Council Procedure Rule 3.9.

41.4 DISCLOSURE OF INTEREST AND DISPENSATIONS

All Members present declared a personal non-prejudicial interest in item 45.2, Child-Care and Dependent Carers Allowance Scheme. (In accordance with paragraph 10 (2)(g) of the Code the Conduct, all Members were free to remain in the meeting and to vote on this item.)

Councillor Michelle Pearce declared a personal non-prejudicial interest in item 46.3 – Motions Submitted in Accordance with Council Procedure Rule 3.9. (Pilot Garden Waste Scheme)

Councillors Mark Glover and Mark Pursey declared a personal prejudicial interest in item 46.5 – Motions Submitted in Accordance with Council Procedure Rule 3.9. (Review of Revenue Support Grant)

Councillor Neil Watson declared a personal interest in item 46.8 - Motions Submitted in Accordance with Council Procedure Rule 3.9. (Promotion of Music in Southwark Primary Schools)

41.5 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of The Worshipful the Mayor, Councillors Denise Capstick and Councillors Robert Smeath and William Rowe. Apologies for lateness were received on behalf of Councillors Kim Humphreys and Bob Skelly.

42. MINUTES

RESOLVED: That the open Minutes of the Extraordinary meeting held on 4th September 2002 and the Open Minutes of the Ordinary and Extraordinary meetings held on 18th September 2002 be agreed as a correct record and signed by the Deputy Mayor.

43. QUESTIONS FROM THE PUBLIC SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.6 (see pages 714 - 715)

Answers to three public questions were circulated on green paper. The three members of the public in attendance at the meeting (Lynda Price, John Gorsuch and Simon Bryce) asked a supplementary question of the Executive Member for Community Support and Safety and the Leader. Questions and answers are attached as an Appendix to these minutes.

The Deputy Mayor announced that the 26 minutes remaining for public question time would be added to the 30 minutes allowed for Members Questions Time.

The Deputy Mayor informed Council Assembly that in accordance with Council Procedure Rule 3.2, he had agreed, following consultation with Political Group Whips, that the Order of Business should be varied to allow Members Questions to be taken at this point. (See Item 47)

44. **REPORTS FOR RECOMMENDATION**

THE FIRST DRAFT FOR DEPOSIT SOUTHWARK PLAN (UNITARY DEVELOPMENT PLAN) (see pages 1 to 88 of the letter dispatch separately on 10th October 2002)

The Deputy Mayor drew Members attention to the letter dispatched separately to the agenda on 10th October 2002, which contained papers relating to the First Draft for Deposit Southwark Plan (Unitary Development Plan).

The Deputy Mayor announced that in accordance with Council Procedure Rule 1.15 (2) the recommendations contained within the report were deemed to have been moved and seconded and were the subject of amendment only.

Amendment No.1 was moved by Councillor Catherine Bowman and seconded by Councillor Richard Thomas. Following debate (Councillors Michelle Pearce, Tony Ritchie, Andy Simmons, David Hubber, David Bradbury, Nick Stanton and Dermot McInerney), the amendment was put to the vote and declared to be lost.

NOTE: In accordance with Council Procedure Rule 1.17(3) the following Members requested that their vote in favour of Amendment No.1 be recorded: Councillors Margaret Ambrose, Beverley Bassom, Columba Blango, Catherine Bowman, Stephen Flannery, Mark Glover, James Gurling, Jeffrey Hook, David Hubber, Jonathan Hunt, Paul Kyriacou, Jelil Ladipo, Eliza Mann, Danny McCarthy, Kenneth Mizzi, Catriona Moore, Graham Neale, Gavin O'Brien, Dr Abdur-Rahman Olayiwola, Caroline Pidgeon, Richard Porter, Mark Pursey, Lisa Rajan, Bob Skelly, Nick Stanton, Richard Thomas, Neil Watson and Lorraine Zuleta.

Amendment No.2 was moved by Councillor Peter John and seconded by Councillor Tony Ritchie. Following debate (Councillors David Hubber and Catherine Bowman) the amendment was put to the vote and declared to be carried.

Amendment No.3 was moved by Councillor David Bradbury and seconded by Councillor Toby Eckersley. With the consent of Council Assembly, Councillor Bradbury corrected the amendment in paragraph 4 by deleting 'minimum of street' and inserting 'minimum off street'. Following debate (Councillors Catherine Bowman and Peter John) the 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 the draft Unitary Development Plan be agreed as the first deposit draft, subject to the following amendments:-

(i) That policy 5.5 in the draft plan for deposit be amended as follows:

All developments should ensure that they achieve the highest reasonably possible intensity of use compatible with the local context, urban design and other Southwark Plan policies. Guidelines giving a suggested appropriate range of densities for different areas of the borough are set out in Appendix 4. These guideline densities will not take precedence over the context and urban design considerations.

(ii) That Appendix 1 be amended to include reference in the schedule of SPGs to a Dulwich SPG to be drafted.

(iii) That the guidelines for density of development given in Appendix 4 be amended so that in the suburban area, the range of density recommended is between 200 and 350 habitable rooms per hectare and for the urban area is between 300 and 700 habitable rooms per hectare.

(ix) That Appendix 5 in the draft plan for deposit is amended with the addition of the following note in the table of residential parking standards

Residential developments in the suburban zone will be subject to a minimum off street car parking requirement of 0.75 spaces per unit for developments of more than 1 unit

2. That the new draft deposit Unitary Development Plan be taken as a material consideration in the determination of all applications for planning permission considered by the Council from now on.

3. That as part of the continuing consultation process the relevant aspects of the UDP and the SPG be referred to the relevant Scrutiny Committees for their consideration and recommendation.

44. REPORTS FROM THE EXECUTIVE – REPORTS FOR INFORMATION

44.2 MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 – INTRODUCTORY TENANCIES)

RESOLVED: That the report be noted.

**44.3 MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – STRATEGIC AVIATION GROUP (see page 1175)**

RESOLVED: That the report be noted.

45. OTHER REPORTS

**45.1 HONORARY FREEDOM OF THE BOROUGH, HONORARY ALDERMAN AND
CIVIC AWARDS (see pages 1176 – 1179)**

RESOLVED:

1. That the following be agreed in respect of conferring the Honorary Freedom of the Borough:
 - a) That Nominations may be received from Councillors, Officers, MPs, outside organisations and members of the public who are on the Council's Electoral Register;
 - b) That Nominations be limited to one per person/organisation and be submitted to the Standards Committee via the Borough Solicitor's Office – nominations must show by example that the nominee is "a person of distinction who has rendered eminent services to the Borough
 - c) That Serving Councillors be ineligible for this award other than in exceptional circumstances;
 - d) That Organisations be ineligible to receive the Honorary Freedom of the Borough; and
 - e) That there be no restriction as to how often this award may be conferred.
2. That the following be adopted in respect of conferring the title of Honorary Alderman on former Councillors:
 - a) That Nominations may be made by the Whips of the Political Groups and must be submitted to the Standards Committee;
 - b) That Nominations recognise service to the Council and nominees must have served on the Council for at least one full term before being considered for the title of Honorary Alderman;
 - c) That the award not be conferred automatically on Councillors upon retirement from the Council; and
 - d) That awards be initially made each year until 2006 and then only be given every four years at the beginning of each new administration.

45.2 CHILD-CARE AND DEPENDENT CARERS ALLOWANCE SCHEME, WITH REFERENCE TO THE PRACTICE IN OTHER LOCAL AUTHORITIES (see pages 1180 – 1184)

At the start of the meeting, all Members of the Council had declared a personal interest in this item.

The Deputy Mayor announced that in accordance with Council Procedure Rule 1.15 (2) the recommendations set out in the report were deemed to have been moved and were subject to amendment only.

Following debate (Councillor Vicky Naish, Tony Ritchie and Danny McCarthy), the recommendations contained within the report were put to the vote and declared to be carried.

RESOLVED:

1. That Council notes the Association of London Government (ALG) recommendations, as set out in paragraph 4.1 of the report.
2. That the maximum rate of Childcare and Dependant Carers Allowance claimable by Members be £6.00 per hour, to be uplifted on an annual basis.
3. That payment of the allowance should be subject to the following criteria.
 - a) That the allowance may be claimed in respect of the Approved Duties listed in paragraph 4.5.
 - b) That payments be subject to a maximum monthly payment of £200 (any claims in excess of this amount to be submitted to the Standards Committee for consideration);
 - c) That payment be claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required.
 - d) That only one weekly payment be claimed in respect of the household of each Member, except in special circumstances (agreed by the Standards Committee);
 - e) That the allowance be paid as a reimbursement of incurred expenditure against receipts
 - f) That the allowance not be payable to a member of the claimant's own household;
 - g) That the carer be aged 18 or over (and not a spouse or partner/cohabitee of the Member or a relative living at the same address);
 - h) That any dispute as to entitlement and any allegation of abuse be referred to the Standards Committee for adjudication.
4. That the Scheme be reviewed after not more than 12 months of operation.

Note: In accordance with Council Procedure Rule 1.17 (5) Councillor Danny McCarthy requested that his vote against the above resolution be recorded in the minutes.

45.3 AMENDMENT TO THE CONSTITUTION: OVERVIEW AND SCRUTINY COMMITTEE MEMBERSHIP (see pages 1185 – 1187)

The Deputy Mayor announced that in accordance with Council Procedure Rule 1.15 (2) the recommendations set out in the report were deemed to have been moved and were subject to amendment only.

Councillor Kim Humphreys, seconded by Councillor David Bradbury, moved an Amendment.

Following debate (Councillor Tony Ritchie), the amendment 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 paragraph 2.2 of the Overview and Scrutiny Procedure Rules be amended to read as follows:

2.2 *The Overview & Scrutiny Committee will consist of:*

A Chair, appointed by the Council;

A Vice-Chair, appointed by the Council;

The Chairs of the six Scrutiny Sub-Committees provided that the proportionality rules are not compromised and provided that each political group is permitted to nominate one non-Executive Member should this be necessary to maintain proportionality; and Education representatives as set out at paragraph 9.

45.4 NOMINATION OF TRUSTEES TO THE CORPORATION OF WARDENS AND TO THE BOROUGH MARKET, SOUTHWARK (see Supplemental Agenda No.1, pages 1198 – 1211)

This report was accepted as late and urgent by the Mayor, as the reconvened meeting of the Councillors of Cathedral, Chaucer, Grange and Riverside Wards only took place on 21st October 2002 and the Southwark (Borough Market) scheme 1907 requires the Council Assembly to formally appoint trustees within one month of the date of the nomination meeting.

The recommendations contained within the report were put to the vote and declared to be carried.

RESOLVED: That John Godwin and Alison Thomas be appointed as Trustees of the Borough Market, Southwark for the following terms:

- a) John Godwin to a term expiring on 31 March 2004.
- b) Alison Thomas to a term expiring on 31 March 2005.

46. MOTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 (see pages 1188 – 1193)

The Deputy Mayor drew Members attention to Supplemental Agenda No.1 (Item 46 – pages 1212 to 1220), which contained the concurrent reports to the Motions.

46.1 MOTION NO.1 – COUNCILLOR REPRESENTATION ON THE LOCAL STRATEGIC PARTNERSHIP (see page 1189 – 1190 and Supplemental Agenda No.1)

The Deputy Mayor informed the meeting that although Motion 46.12 was similar to one rejected at the Ordinary Council Assembly held on Wednesday 18th September 2002, it was submitted in a notice signed by 16 Members in accordance with the requirements of Council Procedure Rule 1.12 (2). Therefore, it was in order for Council Assembly to consider the motion.

Councillor Andy Simmons, seconded by Councillor John Friary, moved Motion 46.1

Following debate (Councillors Kim Humphreys, Tony Ritchie, Nick Stanton, Michelle Pearce, Ian Wingfield, Toby Eckersley and Caroline Pidgeon), the motion was put to the vote and declared to be carried.

RESOLVED: That Council notes the increasing role and importance of the Local Strategic Partnership. Currently only two Councillors from the Executive represent the Council on this body. Given the fact that Southwark is in no overall control and that Councillors from more than one political group should sit on such an important body, Council accordingly requests the Executive to ask the Local Strategic Partnership to increase the Councillor representation to three (1 Liberal Democrat, 1 Labour, 1 Conservative).

NOTE: This motion will be referred to the Executive.

46.2 MOTION NO.2 – GENERATION AND USE OF HOUSING CAPITAL RECEIPTS (see page 1190 and Supplemental Agenda No.1)

The meeting agreed that in the absence of the original seconder, Councillor David Bradbury should second the motion.

Councillor Toby Eckersley, seconded by Councillor David Bradbury, moved Motion 46.2.

Councillor Michelle Pearce, seconded by Councillor Peter John, moved an amendment. Following debate (Councillors Nick Stanton, Dermot McInerney, Kim Humphreys, Barrie Hargrove and Beverley Bassom), the amendment was put to the vote and declared to be lost.

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

46.3 **MOTION NO.3 – PILOT GARDEN WASTE SCHEME** (see page 1190 and Supplemental Agenda No.1)

At the start of the meeting, Councillor Michelle Pearce had declared a personal non-prejudicial interest in this item.

Councillor Barrie Hargrove, seconded by Councillor Michelle Pearce, moved Motion 46.3.

Amendment No.1 moved by Councillor Jeff Hook and seconded by Councillor Richard Thomas was put to the vote and declared to be carried.

An amendment No.2 (listed in Supplemental Agenda 1) appearing in the names of Councillors David Bradbury and Kim Humphreys was withdrawn with the assent of Council Assembly.

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

RESOLVED: That Council notes that, thanks to the previous administration, we have the worst recycling rate in London. This Council recognises the lack of provision for the disposal of garden waste and the amount of garden waste that is dumped. This Council asks the Executive Member for Environment to ensure that all options for disposal of compostable garden waste should be considered thoroughly in the forthcoming waste strategy, to include door to door collection from street properties.

NOTE: This matter will be referred to the Executive for consideration

At 10.00 p.m the Deputy Mayor announced that the guillotine had fallen. It was moved, seconded and

RESOLVED: That Council Procedure Rule 1.13 be suspended in order to allow further debate on motions submitted in accordance with Council Procedure Rule 3.9.

46.4 **MOTION NO. 4 – COMMENTS ON THE USE OF ENGLISH AT HOME** (see page 1191 and Supplemental Agenda No.1)

Councillor Lisa Rajan, seconded by Councillor Eliza Mann, moved Motion 46.4.

Councillor Ian Wingfield, seconded by Councillor Sarah Welfare, moved an amendment.

Following debate (Councillors John Friary, Richard Porter, Billy Kayada, Columba Blango, Alun Hayes, Aubyn Graham, Jonathan Hunt, Tony Ritchie, Eliza Mann, Michelle Pearce and Kim Humphreys), Councillor Lisa Rajan exercised her right of reply.

The amendment was put to the vote and declared to be lost.

Following debate (Councillors Paul Kyriacou, Andy Simmons, Beverley Bassom, Jelil Lapido and Charlie Smith), Councillor Lisa Rajan exercised her right of reply to the substantive motion.

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

46.5 MOTION NO.5 – REVIEW OF THE REVENUE SUPPORT GRANT (see page 1191 – 1192 and Supplemental Agenda No.1)

The motion was withdrawn.

At the start of the meeting, Councillors Mark Glover and Mark Pursey had declared a personal prejudicial interest in this item.

46.6 MOTION NO.6. – STREET CLEANING CONTRACT (see page 1192 and Supplemental Agenda No.1)

The motion was proposed by Councillor Ian Wingfield and seconded by Councillor Andy Simmons.

An amendment was moved by Councillor Richard Thomas and seconded by Councillor Jeff Hook.

Following debate (Councillors Barrie Hargrove, Veronica Ward and Toby Eckersley), Councillor Ian Wingfield exercised his right of reply. The amendment 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:

- (a) the importance that residents and businesses place on a clean environment;
- (b) the failure of the previous administration to make Southwark's streets cleaner;

- (c) the failures of the current waste contract, signed and renewed under the previous administration;
- (d) the failure of the previous administration to monitor contractor performance

2. That Council Assembly welcomes:

- (a) the cross party approach to letting new street cleaning contracts, started under the previous administration and continued under the new administration;
- (b) the monitoring system the new administration has put in place to monitor the contractors performance, which includes penalties for poor performance.

3. That Officers continue to monitor contract performance closely and for a report to be submitted to the Executive as appropriate.

NOTE: This matter will be referred to the Executive.

46.7 MOTION NO.7 – SUB-LETTING OF COUNCIL HOUSING (see pages 1193 and Supplemental Agenda No.1)

The motion was withdrawn.

46.8 MOTION NO.8 – PROMOTION OF MUSIC LESSONS IN SOUTHWARK PRIMARY SCHOOLS (see page 1193 and Supplemental Agenda No.1)

At the start of the meeting, Councillor Neil Watson had declared a personal interest in this item.

In accordance with Council Procedure Rule 3.9(3) this motion was referred to the Executive for consideration.

47. QUESTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.8 (see pages 1194 – 1197)

Fourteen questions were submitted and answers were circulated around the chamber on yellow paper. Within the fifty-six minutes allowed, all the questions were addressed and supplemental questions were asked with the exception of 4, 6 and 8. Questions and answers are attached as an Appendix to these minutes.

The meeting closed at 11.30 p.m.

MAYOR:

DATED: