

<b>Item No:</b>	<b>Classification:</b> OPEN	<b>Committee:</b> COUNCIL ASSEMBLY	<b>Date:</b> 27th November 2002
<b>From:</b> CHIEF EXECUTIVE (BOROUGH SOLICITOR & SECRETARY)		<b>Title of Report:</b> MOTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9	

### **COUNCIL PROCEDURE RULE 3.9: PROCEDURAL ADVICE ON MEMBERS MOTIONS**

A Member may not move more than one Motion. All Motions must be signed and seconded and delivered to the Borough Solicitor & Secretary not later than fifteen clear days before the meeting.

In accordance with CPR 3.9 the Member moving the Motion will be asked by the Mayor to move the motion. The Mover may then make a speech directed to the matter under discussion. (This may not exceed five minutes without the consent of the Mayor).

The Secunder 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 open up to debate on the issue and any amendments on the Motion will be dealt with.

At the end of the debate the Mover of the Motion may exercise 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 Members to vote on the Motion (and any amendments).

### **IMPLICATIONS OF NEW CONSTITUTION**

The new constitution allocates particular responsibility for functions to Council Assembly, for approving the budget and policy framework, and to the Executive, 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 reserved to Executive (i.e. housing, social services, regeneration, environment, education etc) can not be decided upon by Council Assembly without prior reference to the Executive. While it would be in order for Council Assembly to discuss an issue, consideration of any of the following should be referred to the Executive:

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

**1. MOTION FROM COUNCILLOR LORRAINE ZULETA** (seconded by Councillor Stephen Flannery)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

'Council notes the Labour Government's intention to review the Revenue Support Grant (RSG) for 2003/04 and the tight two-month window between the consultation deadline and the announcement of the provisional grant settlement.

Council notes that Londoners pay over £20 billion more in tax than they receive in central government spending and that since 1993/4, changes to the indicators used to distribute resources has seen London lose £2.5 billion.

Council notes with extreme concern that the Association of London (ALG)'s assessment of the consultation paper shows that Southwark could lose up to £35.4 million in funding next year, and that even the least worst social services option indicates that Southwark stands to lose vital funding.

Council notes further that losing £35.4 million would be equivalent to reducing the social services budget by some 40% or taking away a third of schools' funding and that this would make it impossible for us to achieve the Governments' national priorities, let alone our own local priorities.

Council regrets that planning for the 2003/04 budget is made very difficult by the level of uncertainty following the hasty review of local government funding.

Council condemns the Government for failing to provide a fair funding deal for London – despite it clearly being faced with demands peculiar to authorities in other counties – and for the simple-minded approach taken to the review.

Council demands that the Government postpone implementation of its review so that the fears expressed by London boroughs can be properly addressed -something the above two-month window simply does not allow.'

**CONCURRENT REPORT FROM THE CHIEF FINANCE OFFICER**

This Council is facing an uncertain financial position in 2003/04 because of the Government's review of the Revenue Support Grant (RSG). The Government is considering a wide range of options for changing RSG. It has consulted on them inadequately and has not given any meaningful indication of what the minimum increase in RSG (the "floor") will be.

The Government's review of the RSG could have potentially serious consequences for the funding received by Southwark and other London boroughs. The worst case scenario in the consultation paper will cost Southwark £35.4m. Southwark is unlikely to lose as much as this but there certainly is a significant threat to this Council's funding. Southwark has made vigorous representations to the Government during the consultation period against these changes. It should also be noted that, where

proposals are reasonable and where they benefit Southwark, our responses to the Government have been supportive.

In its responses to the Government's consultation the Council's criticisms have been twofold. Firstly, the Government has failed to make a case for change. Research undertaken by the Government to justify changes to Standard Spending Assessments has been, generally, of poor quality. Secondly, the consultation has been inadequate. It has been too short (only two months) and research is still ongoing, which means that we will not be consulted on everything.

The Government has committed itself to making changes to RSG in 2003/04 and is unlikely to be deflected from this path. However, this Council could make a strong case for delaying changes to RSG, especially if those changes are going to be significant. If this Council is to argue for delay, the chances of success would be greatest if it targets specific areas of the consultation paper, especially if they make potentially substantial changes to this Council's RSG or if they are based on poor quality research.

**2. MOTION FROM COUNCILLOR CATRIONA MOORE** (Seconded by Councillor Gavin O'Brien)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

'Council notes that the Freedom of Information Act (FOI Act) 2000 requires significantly more openness across a wide range of public bodies, including local authorities.

Council notes that the Act will come into force in January 2005 and that from that date *any* person will be able to request any information held by Southwark Council.

Council welcomes the Act and the increased access to the council afforded to local residents for the first time which complements measures introduced by the new Executive – like public question time.

Council notes the significant preparation required to ensure that files are up to date and accessible and calls on officers to report to the Executive at the earliest opportunity on progress so far.'

**CONCURRENT REPORT FROM BOROUGH SOLICITOR & SECRETARY**

**3. MOTION FROM COUNCILLOR IAN WINGFIELD** (seconded by Councillor Veronica Ward)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

'Council salutes the recent deputation by Southwark Heritage Association to Council Assembly in September in support of protecting and preserving Southwark's heritage. Council gives its strong support to the 'Save Our Heritage' campaign that seeks to keep alive the Borough's history, going back to pre-Roman times, for present and future generations. Therefore this Council Assembly backs the proposal of the Association that when any site associated with the Borough's rich history becomes available for bids proposing its future use, that notice of potential availability be served transparently throughout the Borough. Council further backs the proposal to establish a list of sites of special historic interest in Southwark. Council instructs the Executive to enact this policy forthwith.

**CONCURRENT REPORT FROM STRATEGIC DIRECTOR OF REGENERATION**

The Council strongly supports the protection and preservation of the Borough's heritage. The revised UDP, now placed on deposit, includes a policy to resist proposals that will adversely affect heritage resources. The draft supplementary guidance on Heritage Conservation, which we hope to adopt in February, confirms that permission will not be granted for changes of use that will fail to preserve or enhance the character or appearance of a conservation area or the special character of a listed building. This will offer substantially stronger control over changes of use affecting heritage resources than afforded by the current UDP. Planning applications that might displace heritage resources will need to be considered on their merits against this policy. This implements the national system of protection for historic sites and areas, including those of archaeological importance.

The majority of sites of historic interest in the borough are in private ownership and the Council cannot determine how they will be marketed. It is not clear what sites would qualify for inclusion on any additional list of sites of special historic interest or what purpose such a list would serve. The danger of relying on such a predetermined list of sites of special historic interest is that it might weaken the protection we could offer less high profile uses omitted from the list but which, in the circumstances, the Council may wish to protect. The Department is happy to offer advice on any case that Members or the Heritage Association wish to draw to our attention.

**4. MOTION FROM COUNCILLOR DORA DIXON-FYLE** (seconded by Councillor Tony Ritchie)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

'That the Council notes the concerns of the residents of John Ruskin Street at the Council's failure to ensure a satisfactory traffic calming measures so as to enable a 20 MPH speed limit to be enforced within that street.

The Council therefore demands that the Executive Member responsible gives the Council Assembly a clear commitment that the Council will introduce full traffic calming measures in John Ruskin Street (including Traffic Cushions to ensure that traffic speed is reduced) so as the 20 MPH speed limit is achieved.

Council also demands that this work is commenced immediately after full consultation with residents of John Ruskin Street but within a period of two months.'

### **CONCURRENT REPORT FROM STRATEGIC DIRECTOR OF REGENERATION**

The Council has recently embarked on a consultation exercise with local people in the West Walworth area regarding the introduction of a number of complimentary measures to the existing West Walworth 20mph zone. These proposals include the introduction of traffic calming to John Ruskin St and its inclusion in the 20mph zone

If as a result of the consultation both the community and the emergency services support the proposals, the implementation of the works associated with the consolidation of the West Walworth 20mph zone will begin as soon as practicably possible.

#### **5. MOTION FROM COUNCILLOR MICHELLE PEARCE** (seconded by Councillor Charlie Smith)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

'Council notes the success of Lewisham Council's innovative team tackling illegal sub-letting of Council housing and asks the Housing and Regeneration Scrutiny Sub-Committee to consider a report on this issue and make recommendations to the Executive.'

### **CONCURRENT REPORT FROM STRATEGIC DIRECTOR OF HOUSING**

In 2000/2001 Lewisham Council created a special team of 2 Housing Officers to investigate illegal occupancy in Council dwellings. This team obtained intelligence from local residents and the targeted illegally occupied properties in Deptford during the year of the initiative. The team built up very close links with the central Fraud Team and provided a Fraud hotline for residents to confidentially report concerns of illegal occupancy.

In 1997, Southwark Housing set a target to personally visit 100% of its dwellings over 3 years and to undertake checks of the remaining dwellings annually. In 1999, Southwark Housing commissioned a pilot photo identity scheme in 2 neighbourhoods, whereby a photograph was taken of all new tenants at the point of sign up. The rationale for the pilot was to prevent fraud at sign up and assist in identifying potential fraud during the tenancy period.

This pilot was considered a success and was rolled out to all neighbourhoods in September 2000. Photographs of new tenants are used to identify the original tenant during subsequent personal visits. The vision is to extend photographic identity to all remaining tenants, something currently being looked at by the Tenancy Agreement Working Party.

In bi-annual neighbourhood newsletters residents are informed of Southwark's Fraud Hotline and the national Fraudwatch number where they can disclose in confidence any information regarding illegal occupancy. A further publicity campaign similar to that undertaken in 1999 is due to be repeated in early 2003.

In 2002/03, Southwark Housing increased commitments to tackling this issue by allocating £50k to deal with the more difficult to prove fraud cases and to randomly investigate a sample of properties to ensure compliance with existing procedures.

The Southwark Special Investigations Team, based at Crown House is currently tackling difficult cases of illegal occupation in conjunction with neighbourhood offices –intelligence from neighbourhoods forming the priority for this work. At the next round of Neighbourhood Forums there will be a report requesting assistance from residents to heighten the profile of the work once again.

Whilst the 100% personal visit method has been successful, it is considered that the targeted approach working in tandem with the 100% personal visiting will be more of a success in gaining possession of illegally occupied properties. An audit is to be completed in January 2003 when the dual initiative of targeted intelligence plus personal visits is currently being considered, however, this has revenue implications and will be included in the HRA budget setting process from 2003/2004.

The Special Team in Lewisham is no longer in existence, however, discussions with the project manager who oversaw Lewisham's initiative will continue to ensure best practice is shared.

**6. MOTION FROM COUNCILLOR DAVID HUBBER** (seconded by Councillor Lisa Rajan)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

'That in view of the continuing nuisance and damage caused by abandoned shopping trolleys in this area, this Council resolves, in accordance with section 99 of the Environmental Protection Act 1990, that Schedule 4 to that Act shall apply in the London Borough of Southwark.

Council notes that this is subject to consultation before it may take effect and resolves to commence such consultation immediately.'

## **CONCURRENT REPORT REQUIRED FROM STRATEGIC DIRECTOR OF ENVIRONMENT**

There is an increasing nuisance caused by abandoned shopping trolleys blighting our streets and adding to street clutter. 'Cleaner & Greener' is one of the Councils top four priorities. The motion passed will result in the adoption of Section 99 of the EPA. Following this officers will take the action set out below:

- Businesses that will be affected by a section 99 notice will be contacted and advised of the Councils intended use of section 99 of the Environmental Protection Act 1990 and how this will impact on their business.
- This consultation will take place by the end of December 2002.
- It is proposed that the cost of collecting and storing the trolleys be recovered via a charge to the relevant business.
- Once the Consultation has taken place the Council will need to follow the guidelines set out in the bullet points below:
  - The Council may, subject to the outcome of the initial consultation, resolve that Schedule 4 of the Act is to apply. If such a resolution is passed, three months notice is required before the Notice can be applied.
  - The Council will be required to publish, in at least one newspaper circulating in the borough, a notice that the Council has passed a resolution under this section and indicating the general effect of the Schedule.
  - Schedule 4 applies where a shopping trolley is found on any land in the open air and which appears to have been abandoned. However, the Schedule does not apply to land that the owner of the trolley has a legal right, or where an off-street parking place affords facilities to the customers of shops for leaving the shopping trolleys used by them.
  - Where the Schedule applies, the Council may seize the trolley, and remove it to a place under its control. However, when a shopping trolley is found on any land appearing to be occupied by any person, the trolley cannot be removed without the consent of that person unless the Council has served, to that person, a notice stating that the authority proposes to remove the trolley.
  - Once the Council has seized and removed a shopping trolley, it must keep the trolley for a period of six weeks, and may sell or otherwise dispose of the trolley at any time after the end of that period.
  - The Council shall, as soon as reasonably practicable (but not later than fourteen days) after the removal of the trolley, serve on the person (if any) who appears, to the Council, to be the owner of the trolley. The notice must state that, a) the Council has removed the trolley and is keeping it, b) the place where it is being kept; and c) if it is not claimed, the Council may dispose of it.

- If, within the period mentioned, any person claims to be the owner of a shopping trolley being kept by the Council, the Council shall, if it appears that the claimant is the owner, deliver the trolley to him/her.
- A person claiming to be the owner of a shopping trolley shall not be entitled to have the trolley delivered to him/her unless he/she pays the Council, on demand, such charge as the Council requires.
- The Council, in fixing the charge to be paid by the claimant of a shopping trolley, shall secure that the charges payable are sufficient to cover the cost of removing, storing and disposing of such trolleys.
- No shopping trolley shall be disposed of by the Council unless (where it has not been claimed) the Council has made reasonable enquiries to ascertain who owns it.

**7. MOTION FROM COUNCILLOR ANDY SIMMONS** (seconded by Councillor Ian Wingfield)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

‘Council notes that officers advice in the past has been against adopting a quota of 50% affordable housing for new residential developments and the decisions of Ratification Committee that officers undertake further work to look a this issue.

Council instructs officers to report back on this further work to the Housing and Regeneration Scrutiny Sub-committee on this issue by the end of the year.’

**CONCURRENT REPORT FROM STRATEGIC DIRECTOR OF HOUSING**

Officers have continued to look at this issue – gathering data from Southwark Property, drawing on work carried out on behalf of the GLA and seeking the advice of other expert parties. Further work is required as part of the review of Supplementary Planning Guidance over the next few months and this will include discussion with Members prior to any recommendations being made.

*Note : Should the motion be agreed it would stand referred to the Overview and Scrutiny Committee in line with Overview and Scrutiny Procedure Rule 3.1 (c).*

**8. MOTION FROM COUNCILLOR RICHARD PORTER** (seconded by Councillor Nick Stanton)

***Please note that in accordance with Council Procedure Rule 3.9(3), this motion shall be considered by Council Assembly***

‘Council notes that crime and fear of crime is the number one concern of Southwark residents.



Council notes the excellent work of the Metropolitan Police in Southwark and the decreasing levels of crime in our Borough.

Council notes the increased pressures placed on officers within our Borough over recent years and the steady decline in police numbers over the past five years from 881 in 1997 to 775 in 2002.

Council applauds the efforts of MPs Harriet Harman, Simon Hughes and Tessa Jowell and members of Southwark Council in lobbying the MPA, Home Office and Metropolitan Police to increase the total number of police officers within Southwark to 1000 at the earliest opportunity.

Council recognises that this is an issue which merits cross party support and will continue to support the above in their efforts.'

### **CONCURRENT REPORT FROM THE CHIEF EXECUTIVE**

Members will recall that, at the start of this year, the MPA adopted a new method for allocating police officers to borough command units. This followed a review undertaken by PA Consulting on behalf of the MPA.

The outcome of the review was the adoption of a 'fairer' system of resource allocation, albeit one which is still challenged as a means of establishing an adequate complement of police officers for a number of boroughs including Southwark.

The new system is based on a highly complicated formula that takes into account a variety of factors relating to resource needs. These include 'demand' (the level of recorded crime and incidents) and 'need' (factors associated with crime and disorder). Three other components also influence the formula. These are 'opening the shop' (a minimum number of officers needed to open a station and custody suites), 'capital city allocation' (a recognition of the unique demands associated with policing the capital) and Commissioner's Judgement (allowing for management judgement).

Southwark's allocation under the new formula was determined as 797 officers. However, following heavy lobbying and pressure from many interests within the borough, this allocation was increased by 11 posts to 808.

The reality is however, that the general decline in recruiting new officers Has meant that this complement has not yet been reached.

The Southwark Crime and Disorder Strategy 2002-5 and the recent MORI poll emphasise the public's concerns around crime and the need for greater public reassurance. There are repeated calls for an increased policing presence on the borough's streets. Early evaluation of the borough's warden schemes reflect a positive public response to these initiatives and point to effective intervention around key public concerns around environmental crime.

**9. MOTION FROM COUNCILLOR DAVID BRADBURY** (seconded by Councillor Toby Eckersley)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

'Council notes that the previous administration made commitments to funding the capital works associated with making Dulwich Park car-free, further notes the dire capital position inherited from that administration, and calls on the Executive to prioritise not only works to the lavatories as already agreed, but also other preparatory works, with the aim of undertaking these works within the present financial year should receipts permit.'

**CONCURRENT REPORT FROM THE STRATEGIC DIRECTOR OF ENVIRONMENT & LEISURE**

It was agreed at the Executive Meeting on the 22nd of October, the Council will attempt to honour its commitment to this scheme but the funds are not currently available. The position on funding of works at Dulwich Park is as follows: The Executive agreed that officers should divert unspent funding from the EIP programme and section 106 funds to allow work on the refurbishment of the toilet block to be undertaken. Officers will now be undertaking this as a matter of urgency.

The work on the car-park will, however, be considered as part of the Council's Capital Strategy report early in the new year. Given the present state of the Council's Capital Programme it is unlikely that other suitable funds will become available before the new financial year but officers have been instructed to be vigilant and to advise Members if there is any possibility of moving the work forward.

**10. MOTION FROM COUNCILLOR TOBY ECKERSLEY** (seconded by Councillor David Bradbury)

***Please note that in accordance with Council Procedure Rule 3.9 (3), this motion shall be considered by Council Assembly***

'That the Chief Executive is instructed to prepare and present to the relevant Executive and scrutiny bodies by 21<sup>st</sup> December 2002 a report summarising and quantifying the findings of all Best Value reviews conducted to date in respect of savings and efficiencies, indicating, inter alia, whether the reviews recommended using such savings for relieving the Council Tax or for absorption by the relevant services. With regard to Best Value Reviews in progress, the Chief Executive is asked to give his best estimate of savings and efficiencies likely to be found.'

**CONCURRENT REPORT REQUIRED FROM THE CHIEF EXECUTIVE**

A list of the efficiency savings resulting from Best Value reviews can be provided without difficulty. When completed reviews are reported to Members for agreement. The resource implications are set out clearly in the covering report and vision document with options which allow for savings and further investment. Also a summary of the outcome of all completed Best Value reviews is contained in the annual Best Value Performance Plan. The outcomes of a further five completed Best Value

reviews will be reported to the Executive on December 3 and December 17. Members may wish to consider a summary of efficiency savings in January 2003. For reviews in progress the decision about savings and efficiencies is made by Members, officers are not in a position to make estimates in advance of that decision.

As part of the 2003/2004 budget process the Executive will be provided with a range of efficiency options including reviews likely to be completed over the next year.

**Lead Officer:** Ian Millichap, Constitutional Support Manager  
**Report Author:** Lesley John, Constitutional Support Officer

Background Papers

Original Motions

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