



COUNCIL ASSEMBLY
(ORDINARY MEETING)

MINUTES of the OPEN section of the meeting of the COUNCIL ASSEMBLY –
ORDINARY MEETING held on WEDNESDAY 27TH NOVEMBER 2002 at 7.00 P.M.
at the Town Hall, Peckham Road, London SE5 8UB

PRESENT:

The Worshipful the Mayor Councillor Denise Capstick

Councillor Margaret Ambrose	Councillor Kenny Mizzi
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 Aubyn Graham	Councillor William Rowe
Councillor James Gurling	Councillor Andrew Simmons
Councillor Barrie Hargrove	Councillor Tayo Situ
Councillor Alun Hayes	Councillor Charlie Smith
Councillor Jeffrey Hook	Councillor Bob Skelly
Councillor David Hubber	Councillor Nick Stanton
Councillor Kim Humphreys	Councillor Richard Thomas
Councillor Jonathan Hunt	Councillor Dominic Thorncroft
Councillor Peter John	Councillor Veronica Ward
Councillor Paul Kyriacou	Councillor Neil Watson
Councillor Jelil Ladipo	Councillor Sarah Welfare
Councillor Dermot McInerney	Councillor Ian Wingfield
Councillor Eliza Mann	Councillor Anne Yates
Councillor Abdul Mohamed	Councillor Lorraine Zuleta

53. PRELIMINARY BUSINESS

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

The Mayor announced that the Silver Cup which was won by Southwark Councillors in the recent charity football match was on display in the well of the Chamber. The Mayor expressed her gratitude to all the participants and especially thanked Councillor Aubyn Graham for assisting in organising the event and Councillor Bowman for her sportsmanship.

The Leader of the Council announced Councillor Catriona Moore had been appointed as the new Executive Member for Health and Social Care to replace Councillor Kenny Mizzi who had resigned.

Councillor Ian Wingfield also congratulated Councillor Aubyn Graham on becoming a grandfather and announced that Councillor Sarah Welfare had been involved in a car accident earlier in the day.

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

The Mayor agreed to accept the following item as late and urgent for the reason set out in the report:

- Item 57.2 and 57.2(A) Community Councils.

53.3 DISCLOSURE OF INTEREST AND DISPENSATIONS

There were none.

53.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Lorraine Lauder, Mark Glover and Billy Kayada. Apologies for lateness were received on behalf of Councillor William Rowe.

54. MINUTES

RESOLVED:

That the open Minutes of the Ordinary and Extraordinary Council Assembly meetings held on 30th October 2002 be agreed as a correct record and signed by the Mayor with the following amendment:-

Extraordinary Council Assembly meeting held on 30th October 2002 – add Councillor Graham Neale's name to those in attendance.

55. QUESTIONS FROM THE PUBLIC SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.6 (see page 1221)

The answer to one public question was circulated on green paper. The member of the public in attendance at the meeting (Matthew Pountney) asked a supplementary question of the Executive Member for Regeneration and Economic Development. The question and answer is attached as an Appendix to these minutes.

The Mayor announced that the 56 minutes remaining for public question time would be added to the 30 minutes allowed for Members Questions Time.

The Mayor announced that in accordance with Council Procedure Rule 3.2 it had been agreed, following consultation with Group Whips, that the Order of Business be varied to allow Members Questions to be taken at this point. (see item 56)

56. QUESTIONS FROM MEMBERS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.8 (see revised report circulated to Members on 19th November 2002, and yellow papers circulated at the meeting)

Twenty-Seven 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 on all questions, with the exception of questions 6,7,16,17 and 27. A transcript of questions and answers are attached as an Appendix to these minutes.

57. REPORTS FROM THE EXECUTIVE – REPORTS FOR RECOMMENDATION

57.1 ANNUAL LIBRARY PLAN (see pages 1228 – 1270 and Supplemental Agenda No.3 Pages 1344 and 1353)

The Mayor announced that the report was considered by the Executive on 19th November 2002 and as indicated in Supplemental Agenda No.3 the Executive resolved 'that the draft Annual Library Plan 2002/03 be recommended to Council Assembly for approval'. The Mayor proposed the report be deemed an Executive report and in accordance with Council Procedure Rule 3.10(1) invited Councillor Bob Skelly to present the report.

In accordance with Council Procedure Rule 3.10(1), Councillor Bob Skelly presented the report.

Councillors David Bradbury and Toby Eckersley submitted two questions under the terms of Council Procedure Rule 3.10(3) to the presenter of the item. The answer was circulated on blue paper. Thereafter, Councillors David Bradbury and Toby Eckersley asked a supplemental question.

Councillor Aubyn Graham, seconded by Councillor Abdul Mohamed, moved an Amendment.

Following debate (Councillors John Friary and Bob Skelly), Councillor Bob Skelly exercised his right of reply. The Amendment was put to the vote and declared to be lost.

Following debate (Councillors Toby Eckersley, Michelle Pearce, David Bradbury, Bob Skelly), the recommendations contained within the report were put to the vote and declared to be carried.

RESOLVED: That the Annual Library Plan 2002/03 be agreed.

NOTE: In accordance with Budget and Policy Framework Procedure Rule 2 (e), Council Assembly adopted the Executive's proposals in relation to the Annual Library Plan without amendment, therefore the decision is of immediate effect.

57.2 COMMUNITY COUNCILS (see Supplemental Agenda No.1 pages 1285 to 1300 and Supplemental Agenda No.2 Pages 1301 to 1342 and Supplemental Agenda No.3 Pages 1345 to 1346)

The Mayor announced this matter had been considered by the Executive on the 22nd October and 19th November 2002, and that the recommendations of the Executive had been circulated to all Members in Supplemental Agendas No.1 and No.2. In accordance with Council Procedure Rule 3.10(1) the Mayor then invited Councillor Caroline Pidgeon to present the report.

The Mayor stated there were three Amendments to the report. With the agreement of Council Assembly Councillor Caroline Pidgeon accepted Amendments A and C, proposed by Councillors Nick Stanton and Kim Humphreys.

Councillor Ian Wingfield, seconded by Councillor Fiona Colley moved Amendment B.

Following debate(Councillors Dominic Thorncroft, John Friary, Jonathan Hunt, Alfred Banya, Kim Humphreys, Ian Wingfield, Peter John, Tony Ritchie, Columba Blango, Nick Stanton, Richard Thomas, Alison Moise, Michelle Pearce, Caroline Pidgeon, and Vicky Naish.), Councillor Caroline Pidgeon exercised her right of reply. Amendment B was put to the vote and declared to be lost.

The Substantive Motion was put to the vote and declared to be carried.

NOTE: In accordance with Council Procedure Rule 1.17(5) the following Members requested that their vote against the Substantive Motion be recorded:

Councillors Alfred Banya, Michael Barnard, Paul Bates, Fiona Colley, Dora Dixon-Fyle, John Friary, Aubyn Graham, Norma Gibbes, Barrie Hargrove, Alun Hayes, Peter John, Abdul Mohamed, Alison Moise, Dermot McInerney, Vicky Naish, Michelle Pearce, Tony Ritchie, Andrew Simmons, Tayo Situ, Charlie Smith, Dominic Thorncroft, Veronica Ward, Sarah Welfare and Ian Wingfield.

- RESOLVED:** 1. That the Council establish area committees to be known as Community Councils with effect from 1st April 2003.
2. That there should be eight Community Councils with suggested names as follows, covering the areas indicated (see also Appendix 1): -
- i) Borough and Bankside
(Cathedrals and Chaucer wards);
 - ii) Bermondsey
(Grange, Riverside and South Bermondsey wards);
 - iii) Rotherhithe
(Livesey (north of the Old Kent Road), Rotherhithe and Surrey Docks wards);
 - iv) Walworth
(East Walworth, Faraday and Newington wards);
 - v) Peckham
(Livesey (south of the Old Kent Road) and Peckham wards);
 - vi) Camberwell
(Brunswick Park, Camberwell Green and South Camberwell wards);
 - vii) Nunhead and Peckham Rye
(Nunhead, Peckham Rye and The Lane wards) and;
 - viii) Dulwich
(College, East Dulwich and Village wards).
3. That each Community Council be empowered to exercise the powers of the Council to make appointments to the governing bodies of primary schools within its area, from among the list of suitable persons maintained by the Council's Voluntary Bodies Appointments Panel.

4. That the devolution of powers and functions to Community Councils take place in two phases with Phase 1 commencing on 1st April 2003.
5. That the following functions be devolved in part to Community Councils in Phase 1, subject to changes in the constitution:

Non- executive functions

Planning; and
Licensing

Executive functions

Community Safety Capital;
Local traffic management issues; and
Environmental Improvement Programme Capital.

6. That Council Assembly agrees to fund the costs in 2002/03 (see paragraph 23 of Item 57.2) from balances. Further, Council Assembly agrees to start the recruitment process to the new posts. For those posts where existing funding can be identified the recruitment process should continue as usual. However, Officers are instructed not to appoint to those posts where new funding is required until after the Council's revenue 2003/04 budget has been set on 24th February 2003.
7. That paragraphs specified in Appendix 2 of Item 57.2 (A) (see table below) for devolved functions and responsibilities be adopted as follows:-

Paragraph Reference to Appendix 2	Issue
	<u>Planning</u>
Para. 9	Demarcation of planning responsibilities as noted
Para. 10	Consultation roles for planning as noted
Para. 11	Consultation roles for planning as noted
Para. 12	S106 expenditure (Planning) as noted
Para. 13	Policy responsibility (Planning) as noted
Para. 15	Delegation & performance (Planning) as noted
Para. 18	Members Training (Planning) as noted
Para. 20	Non-referral of planning decisions as noted
Para. 21	Consultation with Planning Committee & Executive on Terms of Reference & Matters Reserved as noted
	<u>Licensing</u>
Para. 23	Licensing scheduling as noted
Para. 26	Licensing public hearing arrangements as noted
Para. 33	Near boundary licensing as noted
Para. 35	Street trading proposals as noted

Para. 36	Member training (Licensing) as noted
Para. 41	Consultation with Licensing Committee & Executive on Terms of Reference & Matters Reserved as noted
Para. 44	Non-referral of licensing decisions as noted
Para. 45	Fees and charges as noted
	<u>Environmental Management</u>
Para. 50	Street Action Team arrangements as noted
Para. 52	Environment & Leisure contract issues as noted
Para. 53	Participation in warden scheme steering groups as noted
Para. 56	E&L budget allocation as noted
Para. 58	E&L contract management as noted
	<u>Environmental Improvement Programme</u>
Para. 69-71	Devolving EIP responsibilities as noted
Para. 72	Strategic EIP schemes as noted
Para. 73	Local EIP schemes as noted
Para. 75	EIP8 planning as noted

NOTE: In accordance with Budget and Policy Framework Procedure Rule 2 (e), (g) & (h) Council Assembly amended the Executive's recommendations in relation to Community Councils. Therefore an in-principle decision will automatically become effective 7 days from the date of the Council Assembly decision (i.e midnight Friday 6th December 2002) unless the Leader informs the proper officer in writing within 5 days of the date of the decision that he objects to the decision becoming effective (by Midnight, Wednesday 4th December 2002 at the latest).

At 9.55pm the Mayor announced that in accordance with Council Procedure Rule 1.13(1) the business of the meeting would be concluded at 10 pm.

At 10pm the Mayor announced the Guillotine had been reached and in accordance with Council Procedure Rule 1.13(2) the Motions outlined below were deemed to have been formally moved and seconded (together with any amendments). She stated that no speeches would be allowed on these items and the vote would be taken without any further discussion.

REPORTS FOR INFORMATION

- 57.3** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 – PERFORMANCE INDICATORS/STANDARDS FOR MEMBERS** (see page 1271)

RESOLVED: That the report be noted.

- 57.4** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 – UPPER NORWOOD ONE WAY SYSTEM** (see page 1272)

RESOLVED: That the report be noted.

**57.5 MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – EAST LONDON LINE EXTENSION** (see page 1272)

RESOLVED: That the report be noted.

**57.6 MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – STRATEGIC AVAIATION SPECIAL INTEREST GROUP** (see page 1273)

RESOLVED: That the report be noted.

**58. MOTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE3.9**(see pages 1274 – 1284)

58.1 MOTION NO.1 – REVENUE SUPPORT GRANT (see pages 1275 – 1276)

The motion was withdrawn.

58.2 MOTION NO.2 – FREEDOM OF INFORMATION ACT (see pages 1276 – 1277)

The motion proposed by Councillor Catriona Moore and seconded by Gavin O'Brien was put to the vote and declared to be carried.

- RESOLVED:**
1. That Council notes the Freedom of Information Act (FOI Act) 2000 requires significantly more openness across a wide range of public bodies, including local authorities be noted.
 2. That Council notes 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.
 3. That 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.
 4. That 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.

NOTE: A report on the Freedom of Information Act is scheduled for consideration by the Executive on 17th December 2002.

58.3 MOTION NO. 3 – SOUTHWARK HERITAGE ASSOCIATION (see pages 1277 – 1278)

The Mayor announced that the Amendment to be moved by Councillor Caroline Pidgeon and seconded by Councillor Bob Skelly had been withdrawn.

The motion proposed by Councillor Ian Wingfield and seconded by Veronica Ward was put to the vote and declared to be carried.

RESOLVED: That 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.

NOTE: In accordance with Council Procedure Rule 1.17(5) the following Members requested that their vote against the Amendment be recorded:

Councillors David Bradbury Toby Eckersley, Kim Humphreys, Kenny Mizzi, Lewis Robinson and William Rowe.

NOTE: The decision is referred to the Executive for consideration.

58.4 MOTION NO.4 – JOHN RUSKIN STREET (see page 1278)

This motion was withdrawn.

58.5 MOTION NO.5 – ILLEGAL SUB-LETTING OF COUNCIL HOUSING (see pages 1279 – 1280)

This motion was withdrawn.

58.6 MOTION NO.6 – ENVIRONMENTAL PROTECTION ACT (see pages 1280 – 1281)

The motion was proposed by Councillor David Hubber and seconded by Councillor Lisa Rajan.

An amendment proposed by Councillor David Bradbury and seconded by Councillor William Rowe was put to the meeting and declared to be lost.

NOTE: In accordance with Council Procedure Rule 1.17(5) the following Members requested that their vote for the Amendment be recorded:

Councillors David Bradbury Toby Eckersley, Kim Humphreys, Kenny Mizzi, Lewis Robinson and William Rowe.

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

RESOLVED: 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.

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

58.7 MOTION NO.7 – FIFTY PERCENT AFFORDABLE HOUSING FOR NEW RESIDENTIAL DEVELOPMENTS (see pages 1281 – 1282)

This motion was withdrawn.

58.8 MOTION NO.8 – INCREASING THE NUMBER OF POLICE WITHIN SOUTHWARK (see pages 1282 – 1283)

The motion was proposed by Councillor Richard Porter and seconded by Councillor Nick Stanton.

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

- RESOLVED:**
1. That Council notes crime and fear of crime is the number one concern of Southwark residents.
 2. That Council notes the excellent work of the Metropolitan Police in Southwark and the decreasing levels of crime in our Borough.
 3. That 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.
 4. That Council applauds the efforts of MPs Harriet Harman, Simon Hughes and Tessa Jowell and members of Southwark Council in lobbying the Metropolitan Police Authority (MPA), Home Office and Metropolitan Police to increase the total number of police officers within Southwark to 1000 at the earliest opportunity.
 5. That Council recognises that this is an issue which merits cross party support and will continue to support the above in their efforts.

58.9 MOTION NO.9 – DULWICH PARK (see pages 1283 - 1284)

The motion was proposed by Councillor David Bradbury and seconded by Councillor Toby Eckersley

Amendment A proposed by Councillor Michelle Pearce and seconded by Councillor Barrie Hargrove was put to the meeting and declared to be lost.

Amendment B proposed by Councillor Richard Thomas and seconded by Councillor Nick Stanton was put to the meeting and declared to be carried.

Amendment C proposed by Councillor Kim Humphreys and seconded by Councillor Lewis Robinson was put to the meeting and declared to be carried.

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

- RESOLVED:**
1. That Council notes the previous administration made commitments to funding the capital works associated with making Dulwich Park car-free, but that Councillor Simmons, then Cabinet Member for Finance, neglected to factor in this commitment in the capital budget, 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 financial year should receipts permit.
 2. That Council notes with approval the response of the Executive on 19th November 2002 to the deputation seeking a skateboarding facility in the south of the Borough but recognises that Dulwich Park may well not be the most suitable site for a skateboard facility.
 3. That Council notes with approval the recent use of the old sports pavilion on the open land between Queen Mary Gate and Roseberry Gate bounded by the southern edge of the park and the South Circular and believes that this represents a genuine community use of this open land.
 4. That Council notes that the majority of this open land is largely for private use and calls for an investigation of the basis on which this land is occupied and used, with a view to determining its suitability for sports recreation and other open land uses more for the public benefit.

5. That Council notes with grave concern the Council's long-standing failure to recognise that the Dulwich Park Lodges are for public benefit.

NOTE: The decision is referred to the Executive for consideration.

58.10 MOTION NO.10 – EFFICIENCY SAVINGS RESULTING FROM BEST VALUE REVIEWS (see page 1284)

The motion was proposed by Councillor Toby Eckersley and seconded by Councillor David Bradbury.

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

RESOLVED: That the Chief Executive be instructed to prepare and present to the relevant Executive and scrutiny bodies by 21st 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.

The meeting closed at 10.10 p.m.

MAYOR:

DATED: