



COUNCIL ASSEMBLY
(ORDINARY MEETING)

MINUTES of the OPEN section of the meeting of the COUNCIL ASSEMBLY –
ORDINARY MEETING held on WEDNESDAY 22nd JANUARY 2003 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 Abdul Mohamed
Councillor Alfred Banya	Councillor Kenny Mizzi
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 Mark Glover	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 Robert Smeath
Councillor Jeffrey Hook	Councillor Charlie Smith
Councillor David Hubber	Councillor Bob Skelly
Councillor Jonathan Hunt	Councillor Nick Stanton
Councillor Peter John	Councillor Richard Thomas
Councillor Billy Kayada	Councillor Dominic Thorncroft
Councillor Paul Kyriacou	Councillor Veronica Ward
Councillor Jelil Ladipo	Councillor Neil Watson
Councillor Lorraine Lauder	Councillor Sarah Welfare
Councillor Danny McCarthy	Councillor Ian Wingfield
Councillor Dermot McInerney	Councillor Anne Yates
Councillor Linda Manchester	Councillor Lorraine Zuleta
Councillor Eliza Mann	

59. PRELIMINARY BUSINESS

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

The Mayor announced her Quiz Night had raised £500 for the Alzheimer's Society.

The Mayor praised the first prize won by the Southwark float at the New Year Parade. This victory had secured a cup and £6,000 for the Mayor's Charity.

The Mayor encouraged Members to attend the Holocaust Memorial Day Civic Service being held at 11am on 27th January 2003 at the Imperial War Museum.

The Mayor reported the death of Lord Jenkins of Hillhead who had been MP for Southwark Central from 1948 to 1950.

Councillors James Gurling, Ian Wingfield and Michelle Pearce all paid tribute to the contributions made by Roy Jenkins to public life.

All present observed a one-minute silence in memory of Lord Jenkins.

59.2 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 64.1 Council Tax Base for 2003/04

59.3 DISCLOSURE OF INTEREST AND DISPENSATIONS

Councillor Toby Eckersley declared a personal prejudicial interest in Item XX.X as a Council appointee on several bodies which met within the Congestion Charging Zone.

59.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Kim Humphreys, Norma Gibbes and Alison Moise. Apologies for lateness were received on behalf of Councillors Abdul Mohamed and Dora Dixon-Fyle.

60. MINUTES

RESOLVED: That the open Minutes of the Council Assembly meeting held on 27th November 2002 be agreed as a correct record and signed by the Mayor.

61. QUESTIONS FROM THE PUBLIC SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.6 (see page 1355)

The answer to one public question was circulated on green paper. The member of the public in attendance at the meeting (William Higman) asked a supplementary question of the Leader of the Council. The question and answer is attached as Appendix I 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 62)

62. QUESTIONS FROM MEMBERS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.8 (see pages 1356-1359 and yellow papers circulated at the meeting)

Nineteen questions were submitted and answers were circulated around the chamber on yellow paper. Within the fifty-six minutes allowed all questions except Question 2 were addressed and supplemental questions were asked on all other questions. A copy of questions and answers are attached as Appendix II to these minutes.

Councillor Wingfield questioned the accuracy of the printed answer to Question 2. Council Assembly agreed the question should be withdrawn and resubmitted to a future meeting after reconsideration of the answer. This would be additional to Councillor Humphreys ordinary question entitlement.

Councillor Wingfield made an official complaint to the Monitoring Officer about the release of an earlier draft answer to Question 2 to the 'Southwark News'.

Members questioned the late circulation of answers to Members Questions. The Mayor indicated in future answers to members Questions would be dispatched in advance of Council Assembly meetings.

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 Item 64.1 to be taken at this point. (see item 62)

64.1 THE COUNCIL TAX BASE FOR 2003/04 (see Supplemental Agenda 2 pages 1416-1431)

Councillor Andy Simmons, seconded by Councillor Ian Wingfield, moved an Amendment.

Following debate (Councillors Lorraine Zuleta, William Rowe and Toby Eckersley), the Amendment was put to the vote and declared to be carried.

Without further debate, the substantive motion was put to the vote and declared to be carried.

AGREED:

1. That the Council Tax collection rate for 2003/2004 be estimated at 96.50%.
2. That the formal resolution and calculations shown in Appendices D to H be approved and the Council Tax Base for 2003/2004 be set at:

	Number of band D equivalent properties
For the parish of St. Mary Newington	12,528.8
For the parish of St. Saviour's	955.9
For the whole of the borough excluding the parishes of St. Mary Newington and St. Saviour's	<u>71,797.1</u>
For the whole borough	85,281.8

NOTE: In accordance with Council Procedure Rule 1.17(5) the following Members Requested that their vote against both the amendment and substantive motion be recorded: Councillors Margaret Ambrose, Beverley Bassom, Columba Blango, Catherine Bowman, Stephen Flannery, James Gurling, Jeffrey Hook, David Hubber, Jonathan Hunt, Paul Kyriacou, Jelil Ladipo, Danny McCarthy Eliza Mann, Kenny 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.

63. REPORTS FROM THE EXECUTIVE – REPORTS FOR RECOMMENDATION

63.1 SOUTHWARK'S AIR QUALITY STRATEGY AND IMPROVEMENT PLAN (see pages 1360 – 1389)

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

Councillor David Bradbury, seconded by Councillor William Rowe, moved Amendment A.

Following debate (Councillor Richard Thomas), Amendment A was put to the vote and declared to be lost.

In accordance with Council Procedure Rule 1.17(3) the following Members requested that their vote in favour of Amendment A be recorded: Councillors David Bradbury, Toby Eckersley, Kenny Mizzi and William Rowe.

Amendment B was moved by Councillor Kenny Mizzi and seconded by Councillor Toby Eckersley. Following debate (Councillors Richard Thomas) the amendment was put to the vote and declared to be carried.

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

RESOLVED:

1. That the Air Quality Strategy & Improvement Plan, which sets out 83 measures towards meeting the National Air Quality Objectives in Southwark by the target dates, be adopted.
2. That the Southwark Air Quality Management Area be extended to the Area defined on the map, attached as Appendix 1 of Appendix A and that Council Assembly agrees to make an order amending the area.
3. That the 34 current Smoke Control Orders be revoked and substituted with one Consolidation Order applicable to the whole of the London Borough of Southwark and that Council Assembly agrees to make a resolution to revoke the existing Orders and make such a Consolidation Order.
4. That the Air Quality Strategy and Improvement Plan be published and implemented by the appropriate Chief Officer following adoption by the Council Assembly.
5. In respect of Policy 3C (page 1383) Council notes that it is only possible to collect baseline information on the level of traffic pollution before the CCS, up to 16th February 2003, and that this information will be crucial to understanding the pollution impact of the CCS. Council therefore instructs officers to arrange collection of this relevant data and report it to the Executive on 11th February 2003. If this is not possible or the information is not available, Council is minded to request delaying the implementation of CCS until the data is available.”
6. That the Strategic Director of Environment & Leisure and the Borough Solicitor & Secretary be authorised to prepare and make any such orders resulting from decision 3 above.
7. That the revocation of the 34 current Smoke Control Orders takes place following the completion of the Consolidation Order.

REPORTS FOR INFORMATION

- 63.2** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – MUSIC LESSONS IN PRIMARY SCHOOLS** (see page 1390)

RESOLVED: That the report be noted.

- 63.3** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – PILOT GARDEN WASTE SCHEME** (see pages 1390-1391)

RESOLVED: That the report be noted.

- 63.4** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – REPRESENTATION ON THE LOCAL STRATEGIC PARTNERSHIP**
(see page 1391)

RESOLVED: That the report be noted.

- 63.5** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – STREET CLEANING CONTRACT** (see pages 1391-1392)

RESOLVED: That the report be noted.

- 63.6** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – SOUTHWARK HERITAGE ASSOCIATION** (see pages 1393-1394)

RESOLVED: That the report be noted.

- 63.7** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – DULWICH PARK** (see page 1394)

RESOLVED: That the report be noted.

- 63.8** **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – ABANDONED SHOPPING TROLLEYS** (see page 1395)

RESOLVED: That the report be noted.

64 **OTHER REPORTS**

- 64.2** **CONGESTION CHARGING – EFFECT ON COUNCILLORS**
(see pages 1396-1400)

Following debate (Councillors Richard Thomas, Danny McCarthy, David Bradbury and Tony Ritchie) the recommendations were put to the vote and declared to be lost.

- 65** **MOTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9** (see pages 1401 – 1412)

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 Motion 65.5 to be taken as the first motion.

65.5 MOTION NO.5 – RECENT COMMENTS OF AN EXECUTIVE MEMBER (see pages 1409-1410)

This motion was proposed by Councillor John Friary and seconded by Councillor Paul Bates.

Following debate (Councillors Andy Simmons, Richard Porter and Toby Eckersley), a Council Procedure Rule 1.14(j) Motion Without Notice 'that the question be now put' was moved and seconded, put to the vote and declared to be carried. The substantive motion was then voted upon and declared to be lost.

65.1 MOTION NO.1 – ELECTORAL ARRANGEMENTS (see page 1402)

This motion was proposed by Councillor Toby Eckersley and seconded by Councillor William Rowe.

Following partial debate (Councillors David Hubber, Ian Wingfield, Tony Ritchie, Dominic Thorncroft, John Friary, Richard Thomas, Jonathon Hunt, Michelle Pearce, Nick Stanton and Mark Pursey) the Mayor announced the Guillotine had been reached and in accordance with Council Procedure Rule 1.13(1) Members moved to a vote.

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

RESOLVED: That the Council is of the view that the Government's policies with regard to electoral arrangements do not strike the right balance between increasing turnout and maintaining confidence in the electoral process. The Council therefore has sympathy with the views expressed by Councillor John Hemming (Leader, Liberal Democrats, Birmingham) on the increased risks of fraudulent voting resulting from moves away from voting at polling stations, (Local Government First, 12th October 2002) and requests the Chief Executive to enquire into the progress of Councillor Hemming's expressed intention to initiate judicial review of this matter, and report back to the Executive.

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

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). The Mayor stated no speeches would be allowed on these items and the vote would be taken without any further discussion.

65.2 MOTION NO.2 – COMPREHENSIVE PERFORMANCE ASSESSMENT (see pages 1402-1403)

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

With the consent of Council Assembly, Amendment A proposed by Jonathan Hunt and seconded by Councillor Stephen Flannery was withdrawn.

Amendment B, proposed by Councillor Mark Glover and seconded by Councillor Andy Simmons, was put to the meeting and declared to be carried.

RESOLVED: This Council notes that Southwark was rated weak on the Comprehensive Performance Assessment; and calls on the Executive to instruct officers to approach other inner London authorities rated as excellent with a view to learning lessons from them that will help Southwark address the recommendations of the CPA report.

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

65.3 MOTION NO.3 – BUS ROUTES (see pages 1403-1404)

This motion was proposed by Councillor William Rowe and seconded by Councillor Kim Humphreys.

An amendment proposed by Councillor Barrie Hargrove and seconded by Councillor Veronica Ward was put to the meeting and declared to be carried.

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

RESOLVED: Council notes that South London has a disproportionately high share of badly performing bus routes and in particular that routes 322, 185 and 3 through Southwark are three of the worst five routes in London. Council Assembly requests the Executive to instruct officers to consult with the bus companies, Transport for London and residents borough-wide on measures to reduce delays and to bring forward a plan to achieve substantially improved performance on the 322, 185, 3 and other poor performing routes within the next year.

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

65.4 MOTION NO.4 – PERFORMANCE OF PRIMARY SCHOOLS IN SOUTHWARK (see pages 1404-1409)

This motion was proposed by Councillor Kim Humphreys and seconded by Councillor Lewis Robinson.

An amendment proposed by Councillor Aubyn Graham and seconded by Councillor Robert Smeath was put to the meeting and declared to be carried.

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

RESOLVED: Council notes:

i) the overall performance of primary schools in Southwark;

ii) the comments of David Bell, OFSTED Chief Inspector of Schools (The Times, 27th November 2002) that “too many teachers were unclear about how best to teach the basics of reading and writing”;

and requests that the Education Scrutiny Sub-Committee consider the overall performance of primary schools in Southwark and brings forward recommendations for improvement.”

NOTE: The decision is referred to the Overview and Scrutiny Committee for consideration.

65.6 MOTION NO.6 – MEMBER/OFFICER PROTOCOL (see pages 1410-1411)

This motion was proposed by Councillor Jeff Hook and seconded by Councillor David Hubber.

An amendment proposed by Councillor Tony Ritchie and seconded by Councillor Charlie Smith was put to the meeting and declared to be carried.

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

RESOLVED: That, in order to ensure that Council resources are not misused, either knowingly or in error, and to remove all doubt as to what constitutes an abuse of resources for party political purposes, this Council agrees that consultation between the three Party whips and the Borough Solicitor should take place so that clear understandable guidance can be given as soon as possible to all members and their support staff.

NOTE: The decision is referred to the Standards Committee for consideration.

65.7 MOTION NO.7 - FLY-TIPPING (see page 1411 and Supplemental Agenda 1)

This motion was withdrawn.

65.8 MOTION NO.8 –COMPREHENSIVE PERFORMANCE ASSESSMENT RESULTS
(see pages 1411-1412)

This motion was proposed by Councillor Kenny Mizzi and seconded by Councillor Toby Eckersley.

An amendment proposed by Councillor Mark Glover and seconded by Councillor Andy Simmons was put to the meeting and declared to be carried.

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, Kenny Mizzi, Lewis Robinson and William Rowe.

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

RESOLVED: Council notes the recent Comprehensive Performance Assessment results and the need to learn from excellently-rated Councils of similar type, especially those in London with similar levels of poverty and diversity, and requests the Executive, with particular reference to paragraphs 8, 10, 12 and 19 of its terms of reference, to report to Council Assembly, no later than its submission of the proposed budget for 2003/04, on its medium-term proposals for information-sharing with such other authorities and on the extent to which such exchanges have influenced the budget proposals for 2003/04.

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

The meeting closed at 10.07 p.m.

MAYOR:

DATED: