

Item No. 23.	Classification: Open	Date: 23 rd July 2003	Meeting Name: Council Assembly
Report title:		Motions Submitted In Accordance With Council Assembly Procedure Rule 3.9	
Ward(s) or groups affected:		All	
From:		Chief Executive	

COUNCIL ASSEMBLY PROCEDURE RULE 3.9: PROCEDURAL ADVICE ON MEMBERS MOTIONS

A Member may not move or second more than one Motion. All Motions must be signed or e-mailed from an official Southwark address and seconded and delivered to the Borough Solicitor & Secretary not later than thirteen clear days before the meeting.

In accordance with Council Assembly Procedure Rule (CAPR) 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 THE 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

(Please note that in accordance with Council Assembly Procedure Rule 3.9 (5) & (6) (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. **MOTION FROM COUNCILLOR RICHARD PORTER** (seconded by Councillor Jonathan Hunt)

This motion is referred to this meeting for consideration from Council Assembly on 25th June 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion, an amendment and the officer comment are reproduced below

MOTION

This Council

Notes:

1. That 16 and 17 year olds may leave school, get married, join the armed forces and are liable to taxes as other adults but may not vote for the MPs, councillors or other offices who legislate on these subjects.
2. That the introduction of citizenship education onto the curriculum in schools in this Council's area in September 2002 will lead to 16 year olds having a greater knowledge of political affairs than most adults and yet no way of expressing their knowledge through the ballot box.
3. That after leaving school at 16, young people might have to wait up to seven years to cast a vote in a general election and six years in a council election.

Believes:

1. That not allowing sixteen and seventeen year olds to vote increases their detachment from the democratic structures and from society as a whole, meaning they are less likely to vote when they get the chance and they will be less active members of society in later life.
2. That society has moved on to the extent that 16 year olds are nowadays adults.
3. That this should be reflected in the age at which people should be allowed to vote in public elections.

Resolves:

1. To support the campaign for the voting age to be lowered to 16.
2. To encourage our local MPs to back moves towards lowering the voting age.
3. To host an event to boost support for the campaign among young people, the media and the general public in this area.

AMENDMENT A

Moved: Councillor Peter John
Seconded: Councillor Tony Ritchie

Add at the end of number 3 on the first paragraph

Notes: That a private members bill – ‘The Voting Age (Reduction to 16) Bill 2002’, has already completed all stages of consideration within the House of Lords and was sent to the House of Commons for consideration on the 24th March, 2003.

Insert above resolves and after number 3 second paragraph

Welcomes:

1. The Labour Party’s national Policy Forum’s adoption of national policy that the voting age should be reduced to 16.
2. The Government’s report for the Electoral Commission’s reviewing voting age, and in particular whether it should be reduced to 16; which began on the 20th February 2003.

COMMENTS FROM THE BOROUGH SECRETARY & SOLICITOR

Any efforts to encourage better participation by young people in the democratic process are to be welcomed. To achieve a lowering of the age for voting would require amendments to The Representation of the People Act 1983.

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

2. **MOTION FROM COUNCILLOR TOBY ECKERSLEY** (seconded by Councillor Kim Humphreys)

This motion is referred to this meeting for consideration from Council Assembly on 25th June 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion, an amendment and the officer comment are reproduced below

MOTION

Council Assembly notes with approval the current administration’s undertaking to produce a fair deal for leaseholders who may be displaced by compulsory purchase of their homes in the Elephant and Castle Regeneration Area, and, noting the perception that many owner-occupying displacees from other regeneration areas have suffered a raw deal, requests the Executive to set out its policy in this regard to Council Assembly no later than 30th September 2003.

AMENDMENT A

Moved: Councillor Fiona Colley
Seconded: Councillor Paul Bates

Delete all after “the current administration”

Add after “the current administration”

“has endorsed the policy agreed by the previous Labour administration to ensure a fair deal for leaseholders who may be displaced by compulsory

purchase of their homes in the Elephant and Castle regeneration area, or in any other regeneration schemes in the borough.”

Motion now reads:

“Council Assembly notes with approval that the current administration has endorsed the policy agreed by the previous Labour administration to ensure a fair deal for leaseholders who may be displaced by compulsory purchase of their homes in the Elephant and Castle regeneration area, or in any other regeneration schemes in the borough.”

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

There are currently 105 leaseholders on the Heygate Estate. In order for the overall regeneration scheme to proceed it is necessary to ‘buy in’ all of these interests either through negotiation or the use of compulsory purchase powers. Leaseholders will receive the market value at the time of sale plus home loss payments and removal expenses.

In developing proposals for replacement housing for the Heygate Estate we are proposing to introduce new measures to assist leaseholders to remain in the area as owner-occupiers. We will encourage the bidding partnerships for the early housing sites to include outright sale, shared ownership and other retained equity schemes in their submission proposals. It may be that some displaced leaseholders will have insufficient equity in their Heygate homes to make outright purchases of new homes in the area but will be attracted by the ability to purchase a percentage of a new property in one of the new schemes.

Similar opportunities may be encouraged through intermediate housing generated by private schemes in the area and there are already proposals before the council to develop affordable housing for sale within the E&C Masterplan Area.

For those leaseholders who are genuinely unable to repurchase, rehousing will be necessary and the decant policy to be developed for the Elephant & Castle (E&C) will aim to give similar entitlements to these households as to tenanted households.

Details of how this is to be achieved through the early start measures around first phase housing developments will be reported to the Executive at the end of December.

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

3. **MOTION FROM COUNCILLOR ALISON MOISE** (seconded by Councillor Alfred Banya)

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

MOTION

This Council notes

1. That anti social behaviour continues to be a problem affecting many Southwark residents.
2. The serious problems that local authorities including Southwark have had in applying for and enforcing Anti Social Behaviour Orders in the past.
3. That the Government's anti social behaviour bill 'respect and responsibility' will strongly increase local authorities powers to deal with anti social and criminal behaviour.
4. That the Parliamentary Liberal Democrats led by their Home Affairs Spokesperson voted against the third reading of the bill on the 24th June 2003.

This Council calls upon the Executive and Southwark's three Members of Parliament to publicly support the Government's bill and tough stance against anti social behaviour.

COMMENT FROM THE CHIEF EXECUTIVE

To follow.

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

4. **MOTION FROM COUNCILLOR DAVID HUBBER** (seconded by Councillor Gavin O'Brien)

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

MOTION

Council notes that pollution can come in many guises, including intrusive and unsightly advertising – of which estate agents boards are a prime example.

Council notes that the Town & Country Planning Act 1990 allows Local Authorities to deal with unauthorised advertising on public highways.

Council agrees that the above powers should be extended to include private properties where such advertising is visually intrusive and/or a safety hazard and therefore requests the Executive to lobby the Government accordingly.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

To follow.

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

5. **MOTION FROM COUNCILLOR KIM HUMPHREYS** (seconded by Councillor David Bradbury)

This motion is referred to this meeting for consideration from Council Assembly on 25th June 2003, in accordance with Council Assembly

Procedure Rule 1.13(6). The motion and the officer comment are reproduced below

MOTION

That Council Assembly requests the Leader of the Council to support moves to formally establish the Association of London Government (ALG) Scrutiny Network as a committee of the ALG.

COMMENTS FROM THE BOROUGH SECRETARY & SOLICITOR

Given the diversity of roles that members play under new constitutional arrangements, it would seem appropriate that the ALG provides support to both Executive and Scrutiny members, within its present budgetary framework.

6. MOTION FROM COUNCILLOR JOHN FRIARY (seconded by Councillor Tony Ritchie)

This motion is referred to this meeting for consideration from Council Assembly on 25th June 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion, an amendment and the officer comment are reproduced below

MOTION

This Council Assembly agrees to change its representation to the Southwark Alliance from Councillors Stanton and Porter and the Chief Executive to Councillors Humphreys, Stanton and Wingfield with immediate effect.

AMENDMENT A

Moved: Councillor Toby Eckersley
Seconded: Councillor David Bradbury

In line one **insert** "in principle" after "agrees".

In line three **insert** "together with the Chief Executive "after Wingfield".

Delete "with immediate effect", and **insert** "and requests the Leader of the Council to secure the requisite amendment to the Southwark Alliance's Standing Orders in order to put the change into effect at the earliest practicable opportunity."

COMMENTS FROM THE CHIEF EXECUTIVE

The membership of the Southwark Alliance is set down in the Standing Orders of the Alliance. In respect of the Council's membership, this states that the Council's membership is to comprise: Leader, Chief Executive and one other councillor.

Council Assembly should note that in respect of the Council, police, and the health sector, at least one Alliance place has been allocated for a person with governance responsibilities, (Leader and one other councillor, Member of the Metropolitan Police Authority, and Chair of Primary Care Trust (PCT)), and one place has been allocated for the most senior paid official with strategic

responsibility for service delivery (Chief Executive, Borough Commander, PCT Chief Executive/ Health Partnership Board).

Under the Alliance's Standing Orders, the membership structure of the Alliance is fixed for two years, and will be reviewed at the Stakeholder Event in October 2003. The Standing Orders also state the total membership is 26 and that less than 50% of the membership should be from the statutory sector.

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

7. **MOTION FROM COUNCILLOR JONATHAN HUNT** (seconded by Councillor Richard Porter)

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

MOTION

This Council thanks Engineer Elias Mudzuri, the Executive Mayor of Harare, for his visit on 30th June and for his interest in Southwark and the well being of the many Zimbabwean citizens resident in the borough.

Council notes:

That many of our Zimbabwean residents have been driven from their homeland by the oppression and tyranny of the corrupt and undemocratic Mugabe regime;

That the Mayor and all but one of the city councillors in Harare are opposed to the Mugabe regime; were elected by fair and democratic means; but many have been subject to harassment, beatings and false imprisonment.

Council salutes the courage of the Mayor in returning to serve his people, not knowing what fate may befall him and sends him, Councillors and the long suffering people of Harare our salutations and good wishes for the future.

COMMENTS FROM THE CHIEF EXECUTIVE

To follow.

8. **MOTION FROM COUNCILLOR LEWIS ROBINSON** (seconded by Councillor William Rowe)

This motion is referred to this meeting for consideration from Council Assembly on 25th June 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion, an amendment and the officer comment are reproduced below

MOTION

Council Assembly notes with concern the increasing proliferation of mobile telecommunication masts in the Borough. In particular, planning applications by different mobile telephone communications companies are being made for

sites in close proximity to each other. Council notes that of the 8621 existing telecommunications masts which could be shared by companies in the UK only 3087 (36%) are currently shared.

Council requests the urgent development or update of a Borough wide planning policy on mobile telecommunications masts which would establish how many current masts in the borough could be shared by companies, where they are sited, and to require companies to be prepared to allow mast sharing in new applications submitted for planning approval.

AMENDMENT A

Moved: Councillor Caroline Pidgeon
Seconded: Councillor Catherine Bowman

Delete all after first sentence, and **insert**

Council requests that a report on the current position with regard to masts be considered by the Executive. This report should include the income generated by masts and feedback from the working group set up by Tenants' Council to look at masts on council-owned land.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

The majority of telecommunication antenna in London is placed on buildings rather than on freestanding masts, and it is only the latter, where the mast would exceed 15 metres in height or fall within a conservation area, that requires planning permission. Whilst operators are required to notify the local planning point of view. The local authority is expressly disallowed from commenting on the principle of its installation. In the main, the placing of antenna on buildings (or as is now becoming more common, disguised as street furniture) is preferable from an aesthetic point of view to the erection of freestanding masts and the consequential clutter of equipment in often prominent locations.

Relatively few planning applications are received each year to erect new ground based masts of over 15 metres. In each case the operator will submit a statement setting out the opportunities for mast sharing. All of the main telecommunication operators already ascribe to the industry's 'ten commitments' of good practice that include a commitment to first explore the opportunities for mast sharing. Vodafone, for example, claim that 40% of their masts are shared by other operators and that 60% of their installations are located on other operator's masts, buildings or other existing structures that have removed the need to erect a new mast. Southwark planning policy on this issue is under review but consideration will be given to requiring operators applying to erect new masts of over 15 metres to enter into a legal agreement with the Council to ensure that space is made available for other operator's equipment. However, that additional equipment will still need to be the subject of a separate application for planning permission if it is to be positioned higher than 15 metres above ground level. Where mobile phone companies notify the local authority of their intention to place individual antenna on buildings, or to erect masts of under 15 metres, the local authority may only comment in these cases on the siting and appearance of the equipment from an aesthetic

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

9. **MOTION FROM COUNCILLOR BARRIE HARGROVE** (seconded by Councillor Dermot McInerney)

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

MOTION

Council Assembly notes

1. The positive impact of moving from conventional to alternative fuel “green” vehicles.
2. Southwark’s pioneering lead in introducing such vehicles for Council use.
3. Requests the Executive to receive a report laying out clear policy on the exclusive use of alternative fuelled vehicles by both the council itself and the council’s main contractors in the future.

COMMENTS FROM THE STRATEGIC DIRECTOR OF ENVIRONMENT & LEISURE

To follow.

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

10. **MOTION FROM COUNCILLOR KIM HUMPHREYS** (seconded by Councillor Toby Eckersley)

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

MOTION

That this Council notes the proposed European Constitution being prepared by the European Convention will have huge implications for Southwark Council. The Constitution will give the European Union “shared competence” over home affairs, transport, energy, social policy, economic and social cohesion, consumer protection and the environment, meaning overall more legislation and guidance binding on local government will be decided at a European rather than a national level.

That given the Government has used referendums to approve other constitutional change affecting local and national government, including establishing regional assemblies and directly-elected mayors, this Council believes that the people of Southwark should be able to have their say on these constitutional changes in a referendum.

This Council therefore resolves to make a formal written submission to the Prime Minister, supporting calls for a national referendum on the proposed European Constitution.

COMMENTS FROM THE CHIEF EXECUTIVE

To follow.

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

11. **MOTION FROM COUNCILLOR ANDY SIMMONS** (Seconded by Councillor Dominic Thorncroft)

This motion is referred to this meeting for consideration from Council Assembly on 25th June 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion, an amendment and the officer comment are reproduced below

MOTION

Many local residents (particularly elderly residents) in the Nunhead and Peckham Rye Community Council area who use the Rye Lane post office are being inconvenienced by the failure to resolve the issue of the passage of buses along Rye Lane:

Accordingly, we ask the Executive to:

- Ensure more vigorous enforcement of car parking restrictions so that buses can get through;
- Take all legal steps against car drivers who have been caught entering or parking illegally in Rye Lane and investigate publicly naming them
- Properly publicise the presence of CCTV in the Rye Lane area to make drivers aware that they will be caught on camera if they abuse parking guidelines;
- To co-ordinate an active campaign involving Southwark's Greater London Authority (GLA) representative and Transport for London (TfL) to ensure that the bus companies return to two way working along Rye Lane as soon as possible.

AMENDMENT A

Moved: Councillor Richard Thomas
Seconded: Councillor Nick Stanton

Insert at beginning: "Council notes that".

Delete all after "... being inconvenienced by the " and **insert:**

The lack of two way working for buses along Rye Lane.

In February of this year a report was approved by the Executive, which proposed the use of enforcement powers available to the Council to address the problems associated with traffic congestion in Rye Lane.

Council welcomes:

The decision to return the two way working of buses to Rye Lane on a trial basis.

Council urges the Executive to:

- Ensure vigorous enforcement of car parking restrictions so that buses can get through;
- Take legal steps against car drivers who have been caught entering or parking illegally in Rye Lane and investigate publicly naming them;
- Publicise the presence of CCTV in the Rye Lane area to make drivers aware that they will be caught on camera if they abuse parking guidelines;
- Consider a report after 6 months on the success or failure of the enhanced enforcement.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION AND STRATEGIC DIRECTOR OF ENVIRONMENT & LEISURE

In February of this year a report was presented to the Executive, which proposed the use of enforcement powers available to the Council to address the problems associated with Traffic congestion in Rye Lane. The Executive also required officers to report back after 6 months on the success or otherwise of the enhanced enforcement. If necessary the Executive would then consider:-

- Reinstating the Rye traffic management scheme based on the use of bollards, or
- Developing and implementing an alternative commensurate with the challenge of relieving congestion on Rye Lane in the interest of the town centre's pedestrians.

Ensure more vigorous enforcement of car parking restrictions so that buses can get through.

The present resource is 2 full time parking attendants on street solely dealing with Rye Lane and the surrounding streets from 8.30am-6.30pm Monday – Saturday. We also enforce using 5 CCTV cameras 7 days a week from 7.00am-7.00pm this includes bank holidays.

In comparison to last year the actual offences have increased by 400%. This however, was always going to be the case as drivers took time to become aware of the new enforcement initiative. However, to compare the first full month of offences for April to the second month May offences recorded were 1112 compared to 953, which is a 17% reduction, which is indicative to increased compliance.

Take all legal steps against car drivers who have been caught entering or parking illegally in Rye Lane and investigate publicly naming them.

All legal steps are taken in relation to the Road Traffic Act 1991 in that any vehicle illegally parked is liable to receive a Penalty Charge Notice (PCN). Payment of which is pursued through all legal methods including bailiff action.

We have spoke to the Council's Legal Services and they are to investigate the legality of the request of naming offenders.

Properly publicise the presence of CCTV in Rye Lane area to make drivers aware that they will be caught on camera if they abuse parking guidelines.

Prior to enforcement, all addresses including churches were given a hand delivered letter, which explained the reasons why, and the action the Council will be taking.

Also 26 signs were erected in the surrounding area to inform drivers of the consequence of parking illegally.

To co-ordinate an active campaign involving Southwark's GLA representative and TfL to ensure that the bus companies return to two way working along Rye Lane as soon as possible.

Representatives from bus companies have recently carried out a survey of Rye Lane, which was brought forward by the need to carry out essential sewer works, on the weekend of the 21st June. Their findings were that there had been a significant improvement and the decision was made to return buses to Rye Lane on a trial basis from Saturday 21st June from 6.00am.

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

12. MOTION FROM COUNCILLOR MICHELLE PEARCE (seconded by Councillor Charlie Smith)

Please note that in accordance with Council Assembly Procedure Rule 3.9 (3), this motion stands referred to the Executive for consideration.

'The Council requests the Executive to give support to a campaign to persuade Transport for London to provide a new bus service for Dulwich with a route which will link Crystal Palace, the Kingswood Estate, Kingsdale School, Dulwich Village, East Dulwich (including Dulwich Hospital, Housing & Social Services offices, and Dulwich Leisure Centre), and Camberwell (King's College Hospital and the Maudsley)..

Lead Officer: Ian Millichap, Constitutional Team Manager

Report Author: Kevin Flaherty, Constitutional Officer

Background Papers

Original Motions

Held At

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Dated: 11th July 2003