

Item No. 5.3	Classification: Open	Date: 29th October 2003	Meeting Name: Council Assembly
Report title:		Report Back on Consideration of Motions Referred from Council Assembly In Accordance With Council Procedure Rule 3.6 And 3.9	
Ward(s) or groups affected:		All	
From:		The Executive	

MOTION FROM MEMBERS IN ACCORANCE WITH COUNCIL PROCEDURE RULE 3.9 – ANTI-SOCIAL BEHAVIOUR

At the above meeting of the Executive we considered the following motion referred from Council Assembly on 23rd July 2003, which had been moved by Councillor Alison Moise, seconded by Councillor Alfred Banya, subsequently amended and referred to the Executive:-

“That 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 some aspects of the Government’s anti social behaviour bill ‘respect and responsibility’ – for instance Part 1 dealing with closure of crack houses and Part 6 which proposes to restrict the use of air guns and imitation weapons – will strongly increase local authorities powers to deal with anti-social and criminal behaviour and should be commended;
4. That other aspects – for instance, on the spot fines for 10 year olds and new powers to disperse groups of two or more – are ill-conceived, unnecessary and possibly counterproductive;
5. That MPs could only vote on the Bill as a package of measures, thus explaining why the Bill failed to receive cross party support at its third reading.

That Council therefore hopes that the Bill will be substantially improved following its passage through the House of Lords.”

We agreed the motion.

MOTION FROM MEMBERS IN ACCORANCE WITH COUNCIL PROCEDURE RULE 3.9 – ELEPHANT & CASTLE REGENERATION AREA

At the above meeting of the Executive we considered the following motion referred from Council Assembly on 23rd July 2003, which had been moved by Councillor Toby Eckersley, seconded by Councillor Kim Humphreys, subsequently amended and referred to the Executive:-

“That 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 displaces 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.”

We agreed the following:

That the motion and the comments of the Strategic Director of Regeneration be noted and that a further report be received in December 2003.

MOTION FROM MEMBERS IN ACCORANCE WITH COUNCIL PROCEDURE RULE 3.9 – LOWERING OF VOTING AGE

At the above meeting of the Executive we considered the following motion referred from Council Assembly on 23rd July 2003, which had been moved by Councillor Richard Porter, seconded by Councillor Jonathan Hunt, subsequently amended and referred to the Executive:-

“That 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 while 18 year olds can sit on a jury or be tried in an adult court, they do not have the opportunity to stand for election to their local council.
3. 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.
4. 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.
4. That the arguments for lowering the age at which people can stand as a candidate for public office to 18 are similarly compelling.

Resolves:

1. To support the campaign for the voting age to be lowered to 16 and for the right to stand in local elections to be lowered to 18.
2. To encourage our local MPs to back moves towards lowering the voting age and the age for standing as a candidate for public office.
3. To host an event to boost support for the campaign among young people, the media and the general public in this area.”

We agreed the motion with an amendment to resolution (1), that the right to stand in local elections be lowered to 16.

MOTION FROM MEMBERS IN ACCORANCE WITH COUNCIL PROCEDURE RULE 3.9 – NEW BUS ROUTE FOR DULWICH

At the above meeting of the Executive we considered the following motion referred from Council Assembly on 23rd July 2003, which had been moved by Councillor Michelle Pearce and seconded by Councillor Charlie Smith and referred to the Executive:-

“This 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).”

We agreed to give our whole hearted support to the campaign.

MOTION FROM MEMBERS IN ACCORANCE WITH COUNCIL PROCEDURE RULE 3.6 – AIRCRAFT NOISE

At the above meeting of the Executive we considered the following motion referred from Council Assembly on 23rd July 2003, which had been moved by Councillor Toby Eckersley, seconded by Councillor David Bradbury in response to the following public question submitted by Mr Jeremy Gilliard of Dulwich:-

Public Question

“That the issue of protecting the Borough’s residents from excessive aircraft noise be referred to the Executive for further consideration and report.”

Motion

“What steps are the Council taking in the light of the disappointing verdict of the European Court on Night Flights, and the perceived inadequate action of the UK Government to protect Southwark Residents from the menace of aircraft noise particularly in the early morning ie 5.00am ?”

We agreed that the approach set out in the response of the Executive Member for Environment & Transport (below) be endorsed:

“Response of The Executive Member For Environment & Transport

Local authorities have no direct control over aircraft movements. The Civil Aviation Act prevents any action in nuisance for noise caused by aircraft in normal flight. Thus any action taken by Southwark must be indirect. The Council seeks to get the relevant authorities (Department for Transport, CAA, etc) to take action to deal with the problems affecting Southwark residents.

Southwark was not directly involved in the recent case in the European Court of Human Rights. The eight claimants in whose names the case was taken all lived within close range of the airport and suffered extremely high noise levels as a result of aircraft over-flights. These effects are detailed in the Court’s judgment. Southwark is about 20 km from the end of the runways and residents of Southwark suffer lesser effects. The view was taken that although the noise of aircraft at night in Southwark is unacceptable, it is not sufficiently severe that a legal case for an infringement of Article 8 of the Convention could be made.

The Council provided £1,500 to HACAN for assistance with their legal fees.

Southwark’s view is that night flights into Heathrow should not be permitted. To that end The Mayor of London has also included a policy to that effect in his draft Ambient Noise Strategy. Southwark has supported this policy.

The Department for Transport has proposed that current night flight regime at Heathrow should continue for a further year until 31 October 2005 to allow consideration of this judgment. Southwark has not objected to this continuation, but when the new consultation process commences Southwark will be making representations that night flights should be discontinued.

Southwark is a member of the Air Noise Working Group and of the Strategic Aviation Special Interest Group. We will be discussing the ECHR judgment with other members of these groups and will be seeking to work with them and provide a united response to the Government on these matters. We expect that these groups will receive reports showing whether and to what extent further legal challenges are possible and we will consider the extent to which it may be appropriate for Southwark to be involved in this action.

We will be liaising with other local authorities through these groups in an attempt to ensure a united response to the forthcoming consultation on the night flight regime that is to start in 2005.”

MOTION FROM MEMBERS IN ACCORANCE WITH COUNCIL PROCEDURE RULE 3.9. - TRAFFIC CALMING PROPOSALS

At the above meeting of the Executive we considered the following motion referred from Council Assembly on 25th June 2003, which had been moved by Councillor William Rowe and seconded by Councillor Lewis Robinson:

“That the Executive is requested to investigate the delay by the Transport Group in bringing forward traffic calming proposals covering College Road, Fountain Drive, Kingswood Drive, Alleyn Park & Alleyn Road – consultation on these matters has been promised by Officers throughout 2003 but no action has resulted.

The Executive is requested to report back on

- a. Action to be taken to progress on these particular proposals.
- b. Changes to the structure or staffing of the Transport Group to ensure that schemes are progressed more promptly in the future.”

We agreed the following:

1. That Executive notes that officers have been working to make improvements in both the traffic and highways divisions of regeneration, environment & leisure through the best value process and some of these improvements have already been put into place. However the Executive notes that Traffic Management and Highway Engineering are located in different departments and now believes that merging these services is likely to make further improvements in the way the Council manages both major projects and routine maintenance of the transport network.

2. That the Strategic Directors of Regeneration and Environment & Leisure be instructed to:
- a) work up proposals to create an integrated Transport Infrastructure Team within the Environment & Leisure Department.
 - b) Consult with staff and their representative Trade Unions on proposals.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Executive Agenda and Minutes 9 th September 2003	Constitutional Unit, Town Hall, Peckham Road, London SE5 8UB	Everton Roberts 020 7525 7221

APPENDIX A

AUDIT TRAIL

Lead Officer	Deborah Holmes, Borough Solicitor & Secretary	
Report Author	Everton Roberts, Constitutional Team	
Version	Final	
Dated	15 th October 2003	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	No	No
Chief Finance Officer	No	No
Executive Member	No	No
Date final report sent to Constitutional Support Services	15 th October 2003	