

Item No. 7	Classification: Open	Date: 29.10.03	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 (Borough Solicitor & Secretary)	

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 delivered to the Borough Solicitor & Secretary not later than thirteen clear days before the meeting.

In accordance with Council Assembly Procedure Rule 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 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

(NOTE: 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 TONY RITCHIE (seconded by Councillor John Friary)

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

In view of the past performance of the Chair of the Licensing Committee and the fact that his ineptitude and failure has caused the Vice Chair of that Committee to resign and call on all other members to consider their positions. This Council has no confidence in his continuing to act as Chair of Licensing and calls on him to resign forthwith.

COMMENTS FROM THE BOROUGH SOLICITOR & SECRETARY

Comments to follow

2. MOTION FROM COUNCILLOR LISA RAJAN (seconded by Councillor Richard Thomas)

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

This Council recognises that:

1. genetic modification of crop plants is a rapidly advancing new branch of science and technology;
2. there is still scientific debate about the safety of Genetically Modified (GM) crops;
3. the commercial growing of GM crops present, legal, social and ethical problems that have not yet been properly addressed;
4. there is widespread public concern about GM products and many people are concerned that there is a risk that they might be unwittingly exposed to them.

The Council therefore declares that Southwark Council will, as far as is possible, control the growth of GM crops and the use of GM food and feed.

This Council therefore commits to:

1. Provide GM-free goods and services for all areas where the Council has a direct responsibility, such as education and social services;
2. Request the Secretary of State for Agriculture to provide legal protection for this borough as a GM-free area, in line with Article 19 of 2001/18/EC or under any relevant powers;
3. Ensure that no GM crops are grown on land over which it has control;
4. Agree in principle to adopt a GM free policy which, when contracts are let or if and when they become renewable, will ensure that GM food, ingredients, derivatives are eliminated;

5. Instruct officers to report to the Executive on implementing such a policy. This report should include consideration of any legal, financial and practical implications of such a decision.

COMMENTS FROM THE STRATEGIC DIRECTORS OF ENVIRONMENT & LEISURE, EDUCATION AND CULTURE AND SOCIAL SERVICES

Comments to follow

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

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

Please note that this motion was not considered by 17th September 2003 Council Assembly and has been resubmitted. The motion and officer comments are reproduced below.

In the light of concerns about the comprehensiveness and/or accuracy of information to the Committee prior their resolution, that the Planning Committee receive from relevant officers before 31st October 2003 a report on the feasibility, merits and demerits of rescinding that Committee's resolution of 30th June 2003 to grant outline planning consent for development at the Herne Hill velodrome.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

The concerns that have been expressed relate to the accuracy of traffic surveys undertaken prior to Planning Committee on 30 June and to the weight attached by officers to earlier appeal decisions concerning the nearby Giant Arches Road site. It has been suggested that some of the figures from an earlier traffic survey carried out in 2002 relating to different parts of Burbage Road were transposed in the final report. This has not yet been verified but officer's advice to the Planning Committee on 30 June was that, irrespective of this, existing overall traffic flows in Burbage Road are such that the additional traffic likely to be generated by the velodrome proposal could be satisfactorily accommodated. Reference was not made to the fresh survey undertaken the week before committee because the results of this were not known at that stage. The results since received confirm officer's earlier advice on this matter. The circumstances relating to the Giant Arches Road appeal decisions in 1992 were sufficiently different in a number of respects not to be comparable to the velodrome proposals. For these reasons the decision taken to grant planning permission is considered safe.

4. **MOTION FROM COUNCILLOR BARRIE HARGROVE** (seconded by Councillor Dominic Thorncroft)

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

This Council notes that following Royal Assent given to a Private Members Bill to restrict the sale and misuse of Fireworks, new laws will be available to reduce their noise, nuisance and anti-social use. It therefore requests a report back from officers on setting out plans to fully implement in the London Borough of Southwark this new law in time for the lead up period to November 5 2004.

COMMENTS FROM THE STRATEGIC DIRECTOR OF ENVIRONMENT & LEISURE

Comments to follow

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

5. MOTION FROM COUNCILLOR RICHARD THOMAS (seconded by Councillor Graham Neale)

This motion is referred to this meeting for consideration from Council Assembly on 17th September 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion and the officer comment are reproduced below

Council notes that the Republic of Ireland has had some remarkable success with its levy on plastic bags - the levy led to a 90% reduction in the use of bags (about 277 million fewer than usual).

Council further notes that the Irish Government recently announced that it is to introduce a 'tax' on chewing gum, polystyrene food wrappers and cash machine receipts too - the money raised is to be used to fund a national clean-up.

Council applauds such efforts to support local authorities' attempts to clean up the local environment.

Council calls on the government to introduce measures similar to those adopted in Ireland - particularly if the money raised from levies will directly help councils in their fight against grime.

COMMENTS FROM THE STRATEGIC DIRECTOR OF ENVIRONMENT & LEISURE

The success of the levy on plastic bags has had a significant contribution in reducing the amount of plastic waste in the waste stream in Ireland and as such has reduced the total amount of waste being produced.

The minimisation of waste is the cornerstone of not only Southwark's draft Waste Management Strategy but also the strategy for the UK as a whole and any tangible contribution to delivering this objective must be applauded. In fact extending the principle of placing a levy on virgin products must be extended if we are to stop the continuing growth of waste in the UK

The introduction of a tax on products, which significantly affect the cleanliness of not only Southwark but also the UK as a whole is a premise that must be supported. In fact the principle of 'polluter pays' should be seen as they way forward not only for the products mentioned but also for a wider range of products, in particular smoking related litter which makes up approximately 60% of litter on UK streets.

In terms of the re-circulation of money raised from the tax to Local Authorities to help fight against grime, it would be beneficial if this was delivered through a ring fenced part of the annual spending assessment to ensure that all Local Authorities benefited based on need.

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

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

This motion is referred to this meeting for consideration from Council Assembly on 23rd July 2003 and 17th September 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion and the officer comment are reproduced below.

That Council Assembly requests the Leader of the Council to support moves to formally establish the ALG Scrutiny Network as a committee of the ALG.

COMMENTS FROM THE BOROUGH SECRETARY AND 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.

7. **MOTION FROM COUNCILLOR AUBYN GRAHAM** (seconded by Councillor Billy Kayada)

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

This Council notes the need for an Art Centre to incorporate the facilities of the former North Peckham Civic Centre within the Peckham Square to complement Peckham MediaTech Centre & Library and the Peckham Pulse.

This Council calls on the Deputy Leader to bring back a report to the next Council Assembly that will detail proposals for the Council's contribution (financial and otherwise) towards an Arts Centre on the Peckham Wharf Site.

COMMENTS FROM THE STRATEGIC DIRECTOR OF EDUCATION & CULTURE

Consultants have been commissioned to assess six options for the cultural/arts component of the Peckham Wharf development, including options for funding and cost implications for the Council. This options appraisal will soon be finalised and will form part of a broader report on the way forward for the Peckham Wharf site, which is due to be considered by the Executive at their meeting of 2 December 2003.

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

8. **MOTION FROM COUNCILLOR STEPHEN FLANNERY** (seconded by Councillor Anne Yates)

Please note that in accordance with Council Assembly 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;

- the decisions of Ratification Committee that officers undertake further work to look at this issue
- that the Liberal Democrats called on the Council to require developers to provide up to 50% affordable housing on new residential developments.
- the significant increase in the number of affordable housing units now being offered on the Bermondsey Spa development as a result of lobbying by local councillors and Executive members;

Council further notes that despite the shortage of three and four bedroom units in Southwark, such units rarely feature in affordable housing agreements secured by the Council with developers.

Council therefore instructs officers to report to the Executive at the earliest opportunity on how to ensure that developers provide a higher proportion of affordable family units.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION AND THE STRATEGIC DIRECTOR OF HOUSING

Comments to follow

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

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

This motion is referred to this meeting for consideration from Council Assembly on 23rd July 2003 and 17th September 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion and the officer comment are reproduced below

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

The proposed Constitution has been drawn up by a Convention which has been working over the past 18 months, composed of Ministers, backbench MPs, and

MEPs from the 25 current and future EU member states. It was chaired by former French president Valery Giscard-D'Estaing.

The draft text was formally presented to the EU summit of heads of government in Thessaloniki in June, and will be discussed and agreed at an InterGovernmental Conference (IGC), which was opened on 4th October 2003.

The Thessaloniki European Council agreed that the IGC should complete its work and agree the Constitutional Treaty as soon as possible, and in time for the outcome to be known before the next European Parliament elections in June 2004.

Like all the previous EU treaties (Single European Act 1986, Maastricht 1991, and Amsterdam 1997) the EU member states will then have to ratify it. Some countries normally do this by a referendum; others including the UK have always done it by a Bill through Parliament.

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 Lewis Robinson)

Please note that in accordance with Council Assembly Procedure Rule 3.9 (3), this motion shall be considered by the Executive and will be referred without debate.

That the Executive are requested to provide support to assist the efforts of amenity groups in the Crystal Palace area to fight against the removal of Metropolitan Open Land status to the top site at Crystal Palace Park as part of consideration of the London Borough of Bromley's Unitary Development Plan.

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

Background Papers
Original Motions

Held At
Room 315,
Town Hall, Peckham Road,
London SE5 8UB

Contact
Lesley John
020 7525 7228