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| Item No. 7 | Classification: Open | Date: 26.11.03 | 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 DENISE CAPSTICK (seconded by Councillor Eliza Mann)

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 Government's plans to give limited operational and financial freedom to Foundation Hospitals;
- That Foundation hospitals would create an unnecessary divisive element in the NHS and lead to a two-tier system;
- The decision over which hospitals are allowed to become foundation hospitals will be taken by ministers based on how the hospital meets political targets rather than their ability to treat patients;
- The proposals may lead to staff poaching because the new hospitals will have the freedom to pay staff extra;
- The proposals for public 'membership' are still very unclear and the foundation hospitals will not have to have the new patient Forums, which the Government itself created when it abolished Community Health Councils;
- That hospitals are being made to consult on bids for Foundation status before the relevant legislation is agreed by Parliament – thus pre-empting decisions made by locally elected representatives.

Council believes that ALL hospitals should be free of central political control and free from the culture of political targets.

Council notes with concern that nearby Lewisham Hospital will not be among those hospitals to benefit from being a foundation hospital but that nearby Guys & St Thomas' and Kings College Hospital will.

Council condemns the Government for not tackling the real problems facing struggling hospitals, such as staff shortages and lack of beds.

Council calls on the government to bring in proper reforms in the NHS that would devolve power to local people and raise the standard of all hospital hospitals, putting patients' needs first.

Council resolves to continue to work closely in partnership with Southwark Primary Care Trust in supporting those hospitals that serve the residents of Southwark.

COMMENTS FROM THE STRATEGIC DIRECTOR OF SOCIAL SERVICES

Comments to follow

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

2. 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, 17th September 2003 and 29th October 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.

3. MOTION FROM COUNCILLOR DORA DIXON-FYLE (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 Assembly notes:

1. The important implications of a possible move to Foundation Trust status for both Kings NHS Trust and Guys & St Thomas' NHS Trust ('the hospitals');
2. That as a result of Government legislation Southwark Council now has a significant new responsibility to scrutinise health provision in the Borough;
3. That Southwark Council has an important role to play in the consultation and implementation process for the introduction of Foundation Trusts.

This Council Assembly believes that:

1. The Leader of the Council was informed in June 2003 that the hospitals. intended to apply for Foundation Trust status at the earliest opportunity;
2. The Leader of the Council received formal notification from the hospitals of their intention to seek Foundation Trust status on 8th September 2003 yet seems to have taken no steps to ensure the Council became actively involved in the consultation process or engaged the Council with the issues arising from the democratic framework proposed for the hospitals

Therefore, this Council Assembly believes that the Leader and the Executive have failed to ensure that members and officers of this Council and local people have been able to play a sufficient role in the formal discussion on Foundation Trust status for the hospitals.

Council Assembly, therefore, requests that the Executive:

1. Ensures that this Council and the wider community of Southwark is fully engaged in the continuing consultation on and implementation of Foundation Trust status for the hospitals;
2. Reports back to the January 2004 Council Assembly on the submissions which it has made during the current formal consultation process and its proposals to support the process of ensuring meaningful accountability in the further stages of the consultation and implementation process.

COMMENTS FROM THE STRATEGIC DIRECTOR OF SOCIAL SERVICES

Comments to follow

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

4. MOTION FROM COUNCILLOR CAROLINE PIDGEON (seconded by Councillor David Hubber)

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

Council notes the Mayor of London's proposals for five 'super boroughs'.

Council condemns such proposals and agrees that super boroughs would:

- Dilute any sense of local identity that already exists in a city like London;
- Be very costly to establish given the massive re-organisation that would be required.

Council agrees that there should be more devolution of power - not less - and that such devolution to community councils has proved successful in Southwark.

Council resolves to write to the Mayor of London asking him to ditch his proposals immediately.

COMMENTS FROM THE CHIEF EXECUTIVE

At its meeting on 10th September, the London Assembly's Business Management and Appointments Committee considered a report on 'Local Governance in London'. The Committee agreed to make recommendations to the Assembly in respect of the proposed establishment of an Inquiry into London's Local Governance. The report can be viewed on the GLA website at:

www.london.gov.uk/assembly/appsmtgs/2003/bmacsep10/bmacsep10item14.rtf

On 15th October the London Assembly agreed in principle to conduct an inquiry into local governance in the context of London's public sector as a whole on the basis of the following preliminary framework and on the understanding that detailed terms of reference would be developed and refined in due course:

- I. to consider electoral systems and governance arrangements;

- II. to consider patterns of commissioning and provision that will best achieve the effective and economic delivery of public services to the community including options for local authority consortia;
- III. to consider the availability of resources for these services from all sources including existing and possible new funding streams;
- IV. to consider relationships with other public sector agencies, including the Government Office for London and the quasi-autonomous non-governmental organisations in London, and co-terminosity of their areas; and
- V. to consider local authority boundaries, their areas of interest and means for councils/councillors to engage more effectively with local communities.

It was further agreed that:

- Consideration of the constitutional arrangements be deferred to allow further exploration with the Association of London Government (ALG) of the opportunities for joint working on the basis that the inquiry would –
 - a) from the outset, admit an open agenda, with no individual right to veto options for consideration, and
 - b) aim to produce a range of options for wider public debate and further consideration ;
- The Assembly request Len Duvall to lead the discussions with the ALG on behalf of the Assembly, with a view to his appointment as Chair of the inquiry, and report back on progress to the Business Management and Appointments Committee and, to the Assembly, with detailed proposals for the structure and terms of reference of the inquiry;
- The Assembly authorise preliminary work to prepare for the inquiry, including identifying and accessing relevant data that already exists, and commissioning appropriate research and other work to put together a suitable base of material for the inquiry to progress to further phases of assessing and filtering the data, and identifying key issues and questions at the earliest stage, as a prelude to evidence sessions;
- For the purposes indicated in paragraph V above, expenditure be authorised up to an initial limit of £30,000, as necessary by virement within the existing Assembly and Secretariat budgets; ALG officers be asked to explore other sources of funding for both 2003/04 and 2004/05; and appropriate provision be made for the project in the scrutiny programme budget.

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

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

Please note that this motion was referred to this meeting by the 29th October 2003 Council Assembly. 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.

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

This motion is referred to this meeting for consideration from Council Assembly on 29th October 2003, in accordance with Council Assembly Procedure Rule 1.13(6). The motion, an amendment and the officer comment are reproduced below.

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.

AMENDMENT A

Moved: Councillor Jonathan Hunt
Seconded: Councillor Graham Neale

Delete the first paragraph and ***insert:***

This Council notes that the Peckham Community Council at its July meeting passed a motion, proposed by Cllr Jonathan Hunt and seconded by Cllr Barrie Hargrove, which includes the following:

'Council welcomes the New Peckham Wharf proposal to complement the Peckham Pulse and Library to provide a venue where quality arts activity may be

performed; attract people to Peckham; provide a showcase for the vibrant and exciting range of talent that exists in our community; and offer ancillary facilities.....

Council believes the best option for progressing the proposal is to form a locally-based working party, including representatives from local residents other interested bodies, such as the LPO, arts organisations and commercial partners, and for it to procure an assessment as to its viability, and to produce a business plan.

Council asked the borough council executive to:

1. fund such an assessment and business plan and to provide such assistance and support as this Council may require;
2. ensure that all money raised from the sale of land should be used for the Wharf project.'

Amend the second paragraph to read:

This Council calls on the deputy leader or other executive member to bring back a report before the end of the year 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.

7. MOTION FROM COUNCILLOR TOBY ECKERSLEY (seconded by Councillor Lewis Robinson)

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

With regard to the Council's "communications strategy" Council Assembly notes with concern that, notwithstanding that the Executive's interim decision on this matter (14th January 2003) included the requirement that:

"the published strategy include clear analysis of the Council's past communications and publicity spend (across all departments) as a priority so that future efficiencies arising from the implementation of the strategy be identified"

the final decision of the Executive on 4th November 2003 and the strategy agreed on that occasion contained no such analysis or any information as to efficiencies on a total budget of well over £3 million (Best Value Review December 2002). Council Assembly also notes that:

- a. according to the item's audit trail the Chief Financial Officer's comments were neither sought nor given and
- b. the item states that "there are no financial or legal implications" arising from the strategy.

Council Assembly accordingly calls for urgent scrutiny.

COMMENTS FROM THE CHIEF EXECUTIVE

Appendix A of the Communications Strategy sets out a clear delivery plan to support the implementation of the Communications Strategy. This includes the need to audit the extent - and costs - of communications activity across the Council. These audits are currently being carried out for each department by the newly appointed communications managers. Audits will be completed by 30 November 2003.

Note: If the motion is agreed, any proposals will be submitted to the Overview and Scrutiny Committee for consideration.

8. MOTION FROM COUNCILLOR MARK GLOVER (seconded by Councillor Sarah Welfare)

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

Council notes

1. That the communications strategy report presented to the Executive on the 4th of November highlighted a major increase in resource for the Council's Public Relations function.
2. That one of the stated objectives of the communications strategy is to promote the individual members holding an Executive position.

Council condemns the politicisation of the Council's communications function and is also dismayed at the financial investment made for improving the Council's public relations when it is simultaneously reducing investment in social services.

Council recommends

1. That the Executive removes the objective in the report to promote the individuals holding the Executive posts.
2. That the Finance and Economic Scrutiny Committee is instructed to carry out a scrutiny into the function of the new posts of departmental Communication Managers and the new communications strategy.

COMMENTS FROM THE CHIEF EXECUTIVE

Comments to follow

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

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

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

Council notes that there are proposals to develop a bus route from Crystal Palace, past the Kingswood Estate, through Dulwich Village and onto Dulwich Hospital, East Dulwich and Camberwell. Council Assembly welcomes the principle of the route which will link College Ward, and in particular, the Kingswood Estate with East Dulwich and Camberwell. Council further notes that the proposed route currently suggested goes down many residential roads and crosses the South Circular at a dangerous junction (Alleyn Park/Gallery Road junction with Dulwich Common). Accordingly Council Assembly requests the Executive to instruct officers to work with Transport for London (TfL) to devise proposals that are both safe, using existing routes as much as feasibly possible and utilise the least intrusive types of vehicles.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

Following the Council Assembly meeting on 23rd July 2003, officers have raised with Transport for London (TfL) the provision of a new bus service for Dulwich.

The proposed routing would link Crystal Palace, the Kingswood Estate, Kingsdale School, Dulwich Village (including Dulwich Hospital, Housing and Social Services and Dulwich Leisure Centre), and Camberwell (including Kings College Hospital).

London Buses' official response following investigations regarding the feasibility of the route is that it is not possible to proceed with the proposal, as the route does not meet their planning criteria. Without specific funding London Buses will not consider operating services that do not offer good value for money.

Officers will continue to look at possibilities with TfL for providing improved links to Kingswood Estate, using routings that are safe and utilise existing public transport infrastructure in the Borough.

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

10. MOTION FROM COUNCILLOR ALFRED BANYA (seconded by Councillor Alison Moise)

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

This Council Assembly congratulates all those who participated in the activities organised during the recent 'democracy week'. In particular the students from Sacred Heart School and Peckham Academy who took part in a successful debate in the Council Chamber. This has led to Harriet Harman, MP for Camberwell & Peckham feeding their comments to the Electoral Commission as part of the consultation on lowering the voting age.

This Council calls for an annual all party event for local democracy which will involve children from Southwark Schools, teachers, Southwark Youth Forum representatives, Southwark Youth Council Representatives, MPs and Councillors to debate issues of concern to young people, and the Southwark Community TV should be invited to arrange a live web-cast of the event to promote Southwark Council and its young people.

Council Assembly requests the Executive to prepare a report on a range of future events including the above proposal and to present it to the Council Assembly at the earliest opportunity.

COMMENTS FROM THE CHIEF EXECUTIVE

Comments to follow

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

11. 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, 17th September 2003 and 29th October 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.

AMENDMENT A

Moved: Councillor Catherine Bowman

Seconded: Councillor Mark Pursey

In first paragraph:

Replace ‘will’ with ‘may’ in both instances.

Replace ‘meaning’ with ‘which could mean that’.

After ‘level’ **add** ‘and that local, regional and national Government may have more say in issues currently decided at European level.’

In second paragraph

After 'their say on' **replace** 'these' with 'any major'

In third paragraph, first line **delete** 'resolves' and **insert** 'requests the Chief Executive'.

In third paragraph, third line:

After 'Constitution' **add** 'If the outcomes of the Convention involves major constitutional changes'.

Amended motion reads:

That this Council notes the proposed European Constitution being prepared by the European Convention may have huge implications for Southwark Council. The Constitution may give the European Union "shared competence" over home affairs, transport, energy, social policy, economic and social cohesion, consumer protection and the environment, which could mean that overall more legislation and guidance binding on local government will be decided at a European rather than a national level and that local, regional and national Government may have more say in issues currently decided at European 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 any major constitutional changes in a referendum.

This Council therefore requests the Chief Executive to make a formal written submission to the Prime Minister, supporting calls for a national referendum on the proposed European Constitution if the outcome of the Convention involves major constitutional changes.

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.

12. 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 the Executive and will be referred without debate.

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

Officers have been carrying forward work as requested taking account of new research and the findings of the examination in public (EIP) into the Draft London Plan. They will report to the Executive shortly on the approach to setting the requirement for affordable housing within new private developments. This will take account of an up to date assessment of the most appropriate mix of units to meet the needs of the area. The affordable housing requirement will form part of the revised draft of the Unitary Development Plan, which will be brought to Council for final decision.

13. MOTION FROM COUNCILLOR WILLIAM ROWE (seconded by Councillor Kenny Mizzi)

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 is requested to note the report on growing links between private and state schools in the *Economist* magazine on 18th October 2003.

The Executive is requested to instruct officers to;

- a. Carry out a brief benchmarking exercise to compare Southwark's education administration costs with those of the Church Schools Company which are reported by the *Economist* to be 3% of total cost.
- b. Report back to members on any conclusions from the benchmarking exercise which would allow a greater proportion of education spending to be directed to schools.
- c. Consider the types of links between successful private sector schools and state schools referred to in the *Economist* article (for example sponsorship of City Academies) and report back on possibilities for taking advantage of such types of links in Southwark

Lead Officer: Ian Millichap, Constitutional Team Manager
Report Author: Kevin Flaherty, Constitutional Officer

Background Papers

Original Motions

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